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FEDERAL REGISTER

Vol. 80 Tuesday,
No. 71 April 14, 2015

Pages 19869–20148

OFFICE OF THE FEDERAL REGISTER

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Presidential Documents

Title 3—

The President

Memorandum of March 31, 2015

Delegation of Authority To Transfer Certain Funds in Accordance With Section 610 of the Foreign Assistance Act of 1961, as Amended

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 610 of the Foreign Assistance Act of 1961, as amended (FAA) and section 301 of title 3, United States Code, I hereby delegate to you the authority, subject to fulfilling the requirements of section 652 of the FAA and section 7009(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Division K, Public Law 113–76), to make the determination necessary for and to execute the transfer of $44,979,000 of Fiscal Year 2014 International Narcotics Control and Law Enforcement—Overseas Contingency Operations funds to the Economic Support Fund—Overseas Contingency Operations (ESF–OCO) account; $10,500,000 of Fiscal Year 2014 Foreign Military Financing—Overseas Contingency Operations funds to the ESF–OCO account; and $32,176,000 of Fiscal Year 2014 Nonproliferation, Antiterrorism, Demining, and Related Programs funds to the ESF–OCO account.

You are authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, March 31, 2015

[FR Doc. 2015–08685
Filed 4–13–15; 8:45 am]
Billing code 4710–10

Rules and Regulations

Federal Register

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0621; Directorate Identifier 2013–NM–201–AD; Amendment 39–18133; AD 2015–07–05]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all BAE Systems (Operations) Limited Model BAe 146 series airplanes, and Model Avro 146–RJ series airplanes. This AD was prompted by a report of a pressurization problem on an airplane during climb-out; a subsequent investigation showed a crack in the fuselage skin. This AD requires require repetitive external eddy current inspections on the aft skin lap joints of the rear fuselage for cracking, corrosion, and other defects, and repair if necessary. We are issuing this AD to detect and correct cracking, corrosion, and other defects, which could affect the structural integrity of the airplane.

DATES: This AD becomes effective May 19, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 19, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0621;* 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 BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com*; Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.* 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://regulations.gov* by searching for and locating Docket No. FAA–2014–0621.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM 116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057 3356; telephone 425–227–1175; fax 425–227–1149.

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 all BAE Systems (Operations) Limited Model BAe 146 series airplanes, and Model Avro 146–RJ series airplanes. The NPRM published in the **Federal Register** on September 3, 2014 (79 FR 52260).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0207, dated September 9, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all BAE Systems (Operations) Limited Model BAe 146 series airplanes, and Model Avro 146–RJ series airplanes. The MCAI states:

> In 2012, a pressurisation problem occurred on an AVRO 146–RJ100 aeroplane during climb-out. Subsequent investigation results identified a 42.87 inch (1089 mm) long crack in the fuselage skin in the rear fuselage drum, near the rear passenger door. The skin crack had initiated in the step of the skin land adjacent to a lap joint. In addition to the skin crack, cracks were found in Frames 41X and 42.
>
> This condition, if not detected and corrected, could lead to degradation of the structural integrity of the aeroplane.
>
> Prompted by this finding, BAE Systems (Operations) Ltd issued Inspection Service Bulletin (ISB) 53–239, providing instructions to inspect the internal area of the rear fuselage drum for cracks, corrosion and any other defects and EASA issued AD 2012–0178 [*http://ad.easa.europa.eu/blob/easa_ad_2012_0178_Superseded.pdf/AD_2012-0178_1*] which required accomplishment of a one-time inspection of the affected fuselage area and, depending on findings, repair of cracked structural items.
>
> Following the issuance of that [EASA] AD, some new information on additional damage found on the aeroplane that had the pressurisation problem resulted in a further review of the cracking event. This review concluded that the event was more serious than previously considered and that the compliance time must be reduced in order to mitigate the risk of cracking on other aeroplanes. As a result, EASA issued AD 2012–0184 [*http://ad.easa.europa.eu/blob/easa_ad_2012_0184_superseded.pdf/AD_2012-0184_1*] which superseded EASA AD 2012–0178.
>
> After analysing the responses to EASA AD 2012–0184, which covered the initial inspection of stringer 30, left hand (LH) and right hand (RH), BAE Systems (Operations) Ltd also assessed the similar design features at other skin lands in the rear fuselage drum, namely at stringer 2 right and stringers 11 and 18, LH and RH. As a result, they determined that inspections at the other stringers would be required and also that repeat inspections of all these stringers would be necessary. Consequently, BAE Systems (Operations) Ltd ISB.53–239 Revision 1 and 2 were issued to include these new inspections.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2012–0184, which is superseded, and requires accomplishment of additional inspections of the affected fuselage area, including repetitive inspections, and depending on findings, repair of cracked structural items.

The required actions include repetitive external eddy current inspections on the aft skin lap joints of the rear fuselage for cracking, corrosion, and other defects, and repair if necessary. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0621-0002.*

Actions Since Issuance of NPRM (79 FR 52260, September 3, 2014)

Since we issued the NPRM (79 FR 52260, September 3, 2014), we have received BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, Revision 3, dated May 7, 2014. The new service information includes minor editorial changes.

We have revised paragraph (g)(1) of this AD to refer to BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, Revision 3, dated May 7, 2014. We have also revised paragraph (i) of this AD to provide credit for BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, Revision 2, dated July 15, 2013.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 52260, September 3, 2014) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 52260, September 3, 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 52260, September 3, 2014).

Related Service Information Under 1 CFR Part 51

BAE Systems (Operations) Limited has issued Inspection Service Bulletin 53–239, Revision 3, dated May 7, 2014. The service information describes an external eddy current inspection on the aft skin lap joints of the rear fuselage for cracking, corrosion, and other defects, and repair. 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.

Costs of Compliance

We estimate that this AD affects 1 airplane 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	8 work-hours × $85 per hour = $680 per inspection cycle ..	$0	$680 per inspection cycle.	$680 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates 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-2014-0621*; 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 adding the following new airworthiness directive (AD):

2015–07–05 BAE Systems (Operations) Limited: Amendment 39–18133. Docket No. FAA–2014–0621; Directorate Identifier 2013–NM–201–AD.

(a) Effective Date

This AD becomes effective May 19, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes; and Model Avro 146–RJ70A, 146–RJ85A, and 146–

RJ100A airplanes; certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a report of a pressurization problem on an airplane during climb-out; a subsequent investigation showed a crack in the fuselage skin. We are issuing this AD to detect and correct cracking, corrosion, and other defects, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

(1) Within the compliance times specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD, as applicable: Do an external eddy current inspection on the aft skin lap joints of the rear fuselage for cracking, corrosion, and other defects (*i.e.,* surface damage and spot displacement), in accordance with paragraph 2.C. of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, including Appendix 2, Revision 3, dated May 7, 2014.

(i) For any airplane which has accumulated 9,000 flight cycles or more since the airplane's first flight as of the effective date of this AD: Do the inspection within 1,000 flight cycles or 6 months after of the effective date of this AD, whichever occurs first.

(ii) For any airplane which has accumulated less than 9,000 flight cycles since the airplane's first flight as the effective date of this AD: Do the inspection before accumulating 10,000 flight cycles since the airplane's first flight.

(2) Repeat the inspection required by paragraph (g)(1) of this AD thereafter at intervals not to exceed the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD, as applicable to the airplane's modification status.

(i) For Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes post modification HCM50070E, or post modification HCM50070F, or post modification HCM50259A, repeat the inspection at intervals not to exceed 4,000 flight cycles.

(ii) For Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes pre-modification HCM50070E, and pre-modification HCM50070F, and pre-modification HCM50259A, repeat the inspection at intervals not to exceed 7,500 flight cycles.

(h) Corrective Action

If any cracking, corrosion, or other defect is found during any inspection required by this AD: 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 BAE Systems (Operations) Limited's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature. Accomplishment of the repair does not constitute a terminating action for the inspections required by paragraph (g) of this AD.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the initial inspection and corrective action on stringer 30, left hand (LH) and right hand (RH), as required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, dated June 13, 2012, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the initial inspection and corrective action, as required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, Revision 1, dated June 18, 2013, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for the initial inspection and corrective action, as required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, Revision 2, dated July 15, 2013, 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or BAE Systems (Operations) Limited's EASA 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 2013–0207, dated September 9, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0621-0002.*

(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) BAE Systems (Operations) Limited Inspection Service Bulletin 53–239, including Appendix 2, Revision 3, dated May 7, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

(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 March 19, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07800 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0908; Directorate Identifier 2015–SW–007–AD; Amendment 39–18136; AD 2015–05–52]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are publishing a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model A109, A109A, A109A II, A109C, A109K2, A109E, A119, A109S, AW119 MKII, and AW109SP helicopters, which was sent previously to all known U.S. owners and operators of these helicopters. This AD requires inspecting certain tail rotor (T/R) pitch control links (pitch links) for freedom of movement, corrosion, excessive friction of the spherical bearings, and cracks. This AD is prompted by a report of an in-flight failure of a pitch link on an Agusta Model AW119 MKII helicopter. These actions are intended to prevent loss of T/R pitch control and subsequent loss of control of the helicopter.

DATES: This AD becomes effective April 29, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD (EAD) 2015–05–52, issued on March 4, 2015, which contains the requirements of this AD.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 29, 2015.

We must receive comments on this AD by June 15, 2015.

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

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

Examining the AD Docket

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

For service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39 0331–664680; or at *http://www.agustawestland.com/technical-bulletins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. It is also available on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–0908.

FOR FURTHER INFORMATION CONTACT: Martin Crane, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *martin.r.crane@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

On March 4, 2015, we issued EAD 2015–05–52, which requires inspecting each pitch link part number (P/N) 109–0130–05–117 with 100 hours or less time-in-service since overhaul for freedom of movement, corrosion, and to determine the force required to rotate the spherical bearings. If there is any corrosion or if the force exceeds a certain amount, then the pitch link is unairworthy. If there is no corrosion and the force does not exceed the amount, then EAD 2015–05–52 requires cleaning and visually inspecting the pitch link rod for a crack. If there is a crack, then the pitch link is unairworthy. EAD 2015–05–52 was sent previously to all known U.S. owners and operators of these helicopters and resulted from a report of an in-flight failure of a pitch link P/N 109–0130–05–117 on an Agusta Model AW119 MKII helicopter.

EAD 2015–05–52 was prompted by EAD No. 2015–0035–E, dated February 27, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for AgustaWestland S.p.A. Model A109A, A109AII, A109C, A109E, A109K2, A109LUH, A109S, AW109SP, A119, and AW119MKII helicopters. EASA advises of the reported ''in-flight breaking'' of the T/R pitch control link P/N 109–0130–05–117. EASA EAD 2015–0035–E requires inspecting the T/R pitch control link for corrosion, rotation resistance or binding, and cracks.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

AgustaWestland issued Alert Bollettino Tecnico (BT) Nos. 109–145, 109EP–141, 109K–65, 109S–065, 109SP–087, and 119–072, all revision A, and all dated February 27, 2015. These alert BTs specify inspections of pitch link P/N 109–0130–05–117 for corrosion, freedom of movement, excessive friction of the spherical bearings, and cracks. This information is reasonably available at *http://www.regulations.gov* in Docket No. FAA–2015–0908. Or see **ADDRESSES** for other ways to access this service information.

AD Requirements

This AD retains the requirements of EAD 2015–05–52 and requires inspecting the pitch link for freedom of movement for rotation resistance or binding. This AD also requires removing

the pitch link and inspecting each pitch link spherical bearing for corrosion and the force required to rotate each pitch link spherical bearing. If there is any corrosion, the pitch link is unairworthy. If the force required to rotate a spherical bearing in either end of the pitch link is greater than 7.30 N (1.64 pounds force), the pitch link is unairworthy. If the force required to rotate the spherical bearings in both ends of the pitch link is equal to or less than 7.30 N (1.64 pounds force), this AD requires cleaning and visually inspecting the pitch link rod for a crack using a 10× or higher power magnifying glass or by performing a dye penetrant inspection. If there is a crack, the pitch link is unairworthy.

Interim Action

We consider this AD to be an interim action. If final action is later identified, we might consider further rulemaking.

Costs of Compliance

We estimate that this AD affects 253 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. It takes about 2.5 work-hours at $85 per work-hour to perform the inspections, for a total cost of $213 per helicopter and $53,889 for the U.S. operator fleet. If required, replacing a pitch link will cost about $1,957 for parts. We do not anticipate any additional labor costs to install a new pitch link as opposed to re-installing the existing pitch link.

According to AgustaWestland's service information some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by Agusta. Accordingly, we have included all costs in our cost estimate.

FAA's Justification and Determination of the Effective Date

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

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment before issuing this AD were impracticable and contrary to the public interest and good cause existed to make the AD effective immediately by EAD 2015–05–52, issued on March 4, 2015, to all known U.S. owners and operators of these helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–05–52 Agusta S.p.A.: Amendment 39–18136; Docket No. FAA–2015–0908; Directorate Identifier 2015–SW–007–AD.

(a) Applicability

This AD applies to Agusta S.p.A. Model A109, A109A, A109A II, A109C, A109K2, A109E, A119, A109S, AW119 MKII, and AW109SP helicopters, certificated in any category, with a tail rotor pitch control link (pitch link) part number 109–0130–05–117 with 100 hours or less time-in-service since overhaul.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a pitch link. This condition could result in loss of tail rotor pitch control and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective April 29, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–05–52, issued on March 4, 2015, which contains the requirements of this AD.

(d) Compliance

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

(e) Required Actions

(1) Before further flight, inspect the pitch link for freedom of movement while it is installed on the helicopter.

(i) If there is rotation resistance or binding, before further flight, perform the actions in paragraphs (e)(2) through (e)(3) of this AD.

(ii) If there is no rotation resistance and no binding, within 5 hours time-in-service, perform the actions in paragraphs (e)(2) through (e)(3) of this AD.

(2) Remove the pitch link and inspect each pitch link spherical bearing for corrosion. If there is any corrosion, the pitch link is unairworthy.

(3) Determine the force required to rotate each pitch link spherical bearing as depicted in Figure 1 of AgustaWestland Alert Bollettino Tecnico (BT) No. 109–145, 109EP–141, 109K–65, 109S–065, 109SP–087, or 119–072, all Revision A, and all dated February 27, 2015, as applicable to your model helicopter.

(i) If the force required to rotate a spherical bearing in either end of the pitch link is greater than 7.30 N (1.64 pounds force), the pitch link is unairworthy.

(ii) If the force required to rotate the spherical bearings in both ends of the pitch link is equal to or less than 7.30 N (1.64 pounds force), after cleaning the pitch link rod using aliphatic naphtha or equivalent and a soft non-metallic bristle brush, visually inspect the pitch link rod for a crack in the area depicted in Figure 1 of AgustaWestland Alert BT No. 109–145, 109EP–141, 109K–65, 109S–065, 109SP–087, or 119–072, all Revision A, and all dated February 27, 2015, as applicable to your model helicopter, using a 10x or higher power magnifying glass or by dye penetrant inspection. If there is a crack, the pitch link is unairworthy.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2015–0035–E, dated February 27, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–0908.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Controls.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) AgustaWestland Alert Bollettino Tecnico (BT) No. 109–145, Revision A, dated February 27, 2015.

(ii) AgustaWestland Alert BT No. 109EP–141, Revision A, dated February 27, 2015.

(iii) AgustaWestland Alert BT No. 109K–65, Revision A, dated February 27, 2015.

(iv) AgustaWestland Alert BT No. 109S–065, Revision A, dated February 27, 2015.

(v) AgustaWestland Alert BT No. 109SP–087, Revision A, dated February 27, 2015.

(vi) AgustaWestland Alert BT No. 119–072, Revision A, dated February 27, 2015.

(3) For AgustaWestland service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39 0331–664680; or at *http://www.agustawestland.com/technical-bulletins.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 Fort Worth, Texas, on April 6, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–08384 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0825; Directorate Identifier 2015–NM–035–AD; Amendment 39–18138; AD 2015–08–02]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–02–04 for certain Dassault Aviation Model MYSTERE–FALCON 50 airplanes. AD 2015–02–04 required installing two protective plates between the electrical wiring under the glare shield and the engine fire pull handles. This new AD continues to require installing two protective plates between the electrical wiring under the glare shield and the engine fire pull handles. This AD was prompted by our determination that the published version of AD 2015–02–04 incorrectly identified the AD number as ''AD 2014–02–04'' in a certain paragraph. We are issuing this AD to prevent chafing of the electrical wiring, which could result in a short circuit and generation of smoke in the cockpit, potential loss of several functions essential for safe flight, and consequent reduced controllability of the airplane.

DATES: This AD becomes effective April 29, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 6, 2015 (80 FR 5034, January 30, 2015).

We must receive comments on this AD by May 29, 2015.

ADDRESSES: You may send comments 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 AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.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–2015–0825; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

On January 12, 2015, we issued AD 2015–02–04, Amendment 39–18071 (80

FR 5034, January 30, 2015). AD 2015–02–04 applied to certain Dassault Aviation Model MYSTERE–FALCON 50 airplanes. AD 2015–02–04 was prompted by a report of an untimely and intermittent indication of slat activity due to chafing of the electrical wiring under the glare shield and behind the flight deck front panel. AD 2015–02–04 required installing two protective plates between the electrical wiring under the glare shield and the engine fire pull handles. We issued AD 2015–02–04 to prevent chafing of the electrical wiring, which could result in a short circuit and generation of smoke in the cockpit, potential loss of several functions essential for safe flight, and consequent reduced controllability of the airplane.

AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015), corresponds to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2014–0024, dated January 23, 2014. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0825.

Since we issued AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015), we have determined that the published version of AD 2015–02–04 incorrectly identified the AD number in the Product Identification line as ''AD 2014–02–04.'' In order to refer to the correct AD number, this AD replaces ''AD 2014–02–04'' with ''AD 2015–02–04'' in the Product Identification line in the regulatory text.

FAA's Determination and Requirements of This 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 issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of the urgency to correct the AD number in the regulatory text to avoid non-compliance. Therefore, we determined that notice and opportunity for prior public comment are unnecessary.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0825; Directorate Identifier 2015–NM–035–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

We estimate that this AD affects 250 airplanes of U.S. registry.

The actions required by AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015), and retained in this AD are as follows:

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained installation from AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015).	26 work-hours × $85 per hour = $2,210.	$96	$2,306	$576,500

This AD adds no additional economic burden.

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.

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)

2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015), and adding the following new AD:

2015–08–02 Dassault Aviation: Amendment 39–18138. Docket No. FAA–2015–0825; Directorate Identifier 2015–NM–035–AD.

(a) Effective Date

This AD becomes effective April 29, 2015.

(b) Affected ADs

This AD replaces AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015).

(c) Applicability

This AD applies to Dassault Aviation Model MYSTERE–FALCON 50 airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airplanes with manufacturer serial numbers 5, 7, 27, 30, 34, 36, 78, 132, and 251 through 352 inclusive.

(2) Airplanes with manufacturer serial numbers 2 through 250 inclusive, having Honeywell (formerly Allied Signal, Garrett AiResearch) TFE731–40–1C engines modified by Dassault Aviation Service Bulletin F50–280.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Reason

This AD was prompted by a report of an untimely and intermittent indication of slat activity due to chafing of the electrical wiring under the glare shield and behind the flight deck front panel, and also our determination that the published version of AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015), incorrectly identified the AD number as ''AD 2014–02–04.'' We are issuing this AD to prevent chafing of the electrical wiring, which could result in a short circuit and generation of smoke in the cockpit, potential loss of several functions essential for safe flight, and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Installation of Protective Plates, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2015–02–04, Amendment 39–18071 (80 FR 5034, January 30, 2015), with no changes. Within 74 months after March 6, 2015 (the effective date of AD 2015–02–04), install two Rilsan protective plates between the glare shield electrical wiring and the engine fire pull handles, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F50–530, dated November 12, 2013.

(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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; 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 Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0024, dated January 23, 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–2015–0825.

(j) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on March 6, 2015, (80 FR 5034, January 30, 2015).

(i) Dassault Service Bulletin F50–530, dated November 12, 2013.

(ii) Reserved.

(4) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.*

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

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

Issued in Renton, Washington, on April 6, 2015.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–08389 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0920; Directorate Identifier 2014–NM–192–AD; Amendment 39–18135; AD 2015–07–07]

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 777–200, –200LR, –300ER, and 777F series airplanes. This AD was prompted by a report of a jettison fuel pump that was shut off by the automatic shutoff system during the center tank fuel scavenge process on a short-range flight and a subsequent failure analysis of the fuel scavenge system. This AD requires making wiring changes, modifying certain power panels, installing electrical load management system 2 (ELMS2) software, and accomplishing a functional test. We are issuing this AD to prevent extended dry running of the jettison fuel pumps, which can be a potential ignition source inside the main fuel tanks, and consequent fuel tank fire or explosion in the event that the jettison pump overheats or has an electrical fault.

DATES: This AD is effective May 19, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 19, 2015.

ADDRESSES: 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.* It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0920.

For GE Aviation service information identified in this AD, contact GE Aviation Fleet Support, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com;* Internet: *http://www.geaviation.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–2014–0920; 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: Tak Kobayashi, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6499; fax: 425–917–6590; email: *takahisa.kobayashi@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 777–200, –200LR, –300ER, and 777F series airplanes. The NPRM published in the **Federal Register** on December 10, 2014 (79 FR 73252). The NPRM was prompted by a report of a jettison fuel pump that was shut off by the automatic shutoff system during the center tank fuel scavenge process on a short-range flight. The NPRM proposed to require making wiring changes, modifying certain power panels, installing ELMS2 software, and accomplishing a functional test. We are issuing this AD to prevent extended dry running of the jettison fuel pumps, which can be a potential ignition source inside the main fuel tanks, and consequent fuel tank fire or explosion in the event that the jettison pump overheats or has an electrical fault.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Concurrence With NPRM (79 FR 73252, December 10, 2014)

FedEx stated that it concurs with the proposed requirements specified in NPRM (79 FR 73252, December 10, 2014).

Request To Revise Costs of Compliance Section

The Boeing Company (Boeing) requested that we revise the Costs of Compliance section of the NPRM (79 FR 73252, December 10, 2014). Boeing explained that the number of airplanes used in the cost estimate calculations is incorrect. For Groups 1 through 4 airplanes identified in Boeing Special Attention Service Bulletin 777–28–0083, dated September 8, 2014, for which hardware and software changes are required, the number of affected U.S. registered airplanes is 9, instead of 7. For Group 5 airplanes, for which an ELMS2 software update is required, the number of affected U.S. registered airplanes is 2, not 4.

We agree with the commenter. We have changed the number of airplanes in the ''Costs of Compliance'' section of this AD accordingly. We have also used information in Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015, to calculate the estimated costs.

Requests To Include Revised Service Information

Boeing, All Nippon Airways (ANA), and FedEx requested that we revise the NPRM (79 FR 73252, December 10, 2014) to refer to a new revision of Boeing Special Attention Service Bulletin 777–28–0083. Boeing, ANA, and FedEx stated that a revised service bulletin is expected to be sent to the FAA before the release of this AD and that referencing the revised service bulletin would eliminate the need for alternative methods of compliance (AMOC) approval of the revised service bulletin.

We agree with the commenters. Boeing has issued Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015. This service bulletin was revised to correct wire length and part numbers in wire kits. We have changed this AD to reference Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015, throughout. We have also added paragraph (h) of this AD to give credit for actions performed before the effective date of this AD using Boeing Special Attention Service Bulletin 777–28–0083, dated September 8, 2014, and have redesignated subsequent paragraphs accordingly.

Request To Revise the Unsafe Condition

Boeing requested that we revise the unsafe condition, as described in paragraph (e) of the NPRM (79 FR 73252, December 10, 2014). Boeing stated that the fuel jettison pumps that are the subject of this AD are not a potential fuel tank ignition source because the pumps in question have been qualified to run dry without causing adverse pump operating temperatures for 600 hours. The jettison pump design includes redundant safety features to prevent fuel tank ignition. Boeing also stated that, based on service history and given the number of flight hours accrued by Model 777 airplanes, a conservative analysis shows the chance of a jettison pump running dry and causing a fuel tank ignition is less than extremely improbable.

We disagree to revise the unsafe condition as stated in the Summary and paragraph (e) of this AD. We acknowledge that the fuel jettison pumps in question are properly qualified, and there is no known failure condition that could result in an ignition source. However, based on service experience of various types of fuel pumps, the FAA and industry may be unable to anticipate all of the possible mechanical and electrical failure modes of the fuel pumps that could result in an ignition source. For example, fuel pump qualification tests do not evaluate dry running of a fuel pump with debris ingested. Therefore, we have determined that extended dry running of the fuel jettison pump is a potential ignition source. We have made no changes to 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 73252, December 10, 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 73252, December 10, 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 Special Attention Bulletin 777–28–0083, Revision 1, dated March 6, 2015. The service information describes, among other actions, procedures for making wiring changes to the engine fuel feed system, modifying certain power panels, installing ELMS2 software, and accomplishing a functional test. Refer to this service information for information on the procedures and compliance times. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 11 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
Group 1 through Group 4 airplanes: Hardware and software changes (9 airplanes).	Up to 40 work-hours × $85 per hour = $3,400.	Up to $1,461	$4,861	Up to $43,749.
Group 5 airplanes: ELMS2 software update (2 airplanes).	8 work-hours × $85 per hour = $680	0	680	1,360.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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):

2015–07–07 The Boeing Company: Amendment 39–18135; Docket No. FAA–2014–0920; Directorate Identifier 2014–NM–192–AD.

(a) Effective Date

This AD is effective May 19, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300ER, and 777F series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 28: Fuel.

(e) Unsafe Condition

This AD was prompted by a report of a jettison fuel pump that was shut off by the automatic shutoff system during the center tank fuel scavenge process on a short-range flight. We are issuing this AD to prevent extended dry running of the jettison fuel pumps, which can be a potential ignition source inside the main fuel tanks, and consequent fuel tank fire or explosion in the event that the jettison pump overheats or has an electrical fault.

(f) Compliance

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

(g) Wiring and Software Changes

(1) For Groups 1 through 4 airplanes, as identified in Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015: Within 36 months after the effective date of this AD, make wiring changes, modify power panels P110 and P210, install electrical load management system 2 (ELMS2) software, and accomplish the functional test and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015. Do all applicable corrective actions before further flight.

(2) For Group 5 airplanes, as identified in Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015: Within 12 months after the effective date of this AD, install ELMS2 software, and accomplish the functional test and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015. Do all applicable corrective actions before further flight.

Note 1 to paragraph (g) of this AD: GE Aviation Service Bulletin 5000ELM–28–075, Revision 1, dated August 5, 2014; and GE Aviation Service Bulletin 6000ELM–28–076, Revision 1, dated August 5, 2014; are additional sources of guidance for modifying the P110 and P210 panels, respectively.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g)(1) and (g)(2) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 777–28–0083, dated September 8, 2014, which is not incorporated by reference in this AD.

(i) 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 (j)(l) 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 the 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) If the service information contains steps or procedures that are identified as RC (Required for Compliance), those steps or procedures must be done to comply with this AD; any steps or procedures that are not identified as RC are recommended. Those steps or procedures that are not identified as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps or procedures identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps or procedures identified as RC require approval of an AMOC.

(j) Related Information

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6499; fax: 425–917–6590; email: *takahisa.kobayashi@faa.gov.*

(2) For GE Aviation service information identified in this AD that is not incorporated by reference in this AD, contact GE Aviation service information identified in this AD, contact GE Aviation Fleet Support, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com;* Internet: *http://www.geaviation.com.*

(k) 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 Special Attention Service Bulletin 777–28–0083, Revision 1, dated March 6, 2015.

(ii) Reserved.

(3) 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.*

(4) You may view this service information at 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 March 27, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–08137 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0132; Directorate Identifier 2014–CE–038–AD; Amendment 39–18132; AD 2015–07–04]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for PILATUS Aircraft Ltd. Model PC–7 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the potential for a spring on the air conditioning compressor clutch plate to shear the oil cooler inlet-hose due to the close routing of these parts without a protective cover. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 19, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 19, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0132; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact PILATUS AIRCRAFT LTD., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *Techsupport@pilatus-aircraft.com*; Internet: *http://www.pilatus-aircraft.com.* You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0132.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to adding an AD that would apply to PILATUS Aircraft Ltd. Model PC–7 airplanes. The NPRM was published in the **Federal Register** on January 29, 2015 (80 FR 4810). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI)

originated by an aviation authority of another country. The MCAI states:

This Airworthiness Directive (AD) is prompted due to an unprotected routing of the oil cooler inlet-hose close to the air conditioning compressor clutch plate.

If a spring on the compressor clutch plate shears it could lead to a damage of the oil hose and the engine oil can spill into the engine bay.

In order to correct and control the situation, this AD requires the installation of a cover assembly which will be mounted on the attachment points of the compressor.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-1002-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 4810, January 29, 2015) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the 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 (80 FR 4810, January 29, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 4810, January 29, 2015).

Related Service Information Under 1 CFR Part 51

We reviewed PILATUS Aircraft Ltd. PILATUS PC–7 Service Bulletin No: 21–012, dated November 4, 2014. The service information describes actions for installation of a cover assembly (between the compressor clutch plate and the oil hose) to protect the oil hose. This information is reasonably available at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0132, or see **ADDRESSES** for other ways to access this service information.

Costs of Compliance

We estimate that this AD will affect 10 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $1,250 per product.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $17,600, or $1,760 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 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 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* by searching for and locating Docket No. FAA–2015–0132; 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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 AD:

2015–07–04 Pilatus Aircraft Ltd.: Amendment 39–18132; Docket No. FAA–2015–0132; Directorate Identifier 2014–CE–038–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 19, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–7 airplanes, all serial numbers, that:

(1) have not incorporated the actions of any version of PILATUS PC–7 Service Bulletin No: 21–006, which allows for the installation of a different air conditioning compressor mounted at a different location and makes the unsafe condition nonexistent; and

(2) are certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 21: Air Conditioning.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the potential for a spring on the air conditioning compressor clutch plate to shear the oil cooler inlet-hose due to the close routing of these parts without a protective cover. We are issuing this AD to correct the unprotected routing of the oil cooler inlet-hose, which could lead to damage of the oil hose resulting in an engine oil spill into the engine bay.

(f) Actions and Compliance

Unless already done, within the next 120 days after May 19, 2015 (the effective date of this AD), install a cover assembly on the attachment points of the compressor following the Accomplishment Instructions

in PILATUS PC–7 Service Bulletin No: 21–012, dated November 4, 2014.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, 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.

(h) Related Information

Refer to MCAI Federal Office of Civil Aviation (FOCA) AD HB–2014–008, dated December 9, 2014; and any version of PILATUS PC–7 Service Bulletin No: 21–006, for related information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!document Detail;D=FAA-2014-1002-0002.*

(i) 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) Pilatus Aircraft Ltd. Pilatus PC–7 Service Bulletin No: 21–012, dated November 4, 2014.

(ii) Reserved.

(3) For Pilatus Aircraft Ltd. service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *Techsupport@pilatus-aircraft.com;* Internet: *http://www.pilatus-aircraft.com.*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0132.

(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 Kansas City, Missouri, on March 31, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07858 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0258]

Drawbridge Operation Regulation; Inner Harbor Navigation Canal, New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Senator Ted Hickey (Leon C. Simon Blvd./Seabrook) bascule bridge across the Inner Harbor Navigation Canal, mile 4.6, at New Orleans, Louisiana. The deviation is necessary to ensure the safety of participants in the Ochsner Ironman 70.3 New Orleans event as they travel across the bridge as part of the bike and run courses. This deviation allows the bridge to remain in the closed-to-navigation position continuously during the event.

DATES: This deviation is effective from 8 a.m. through 5 p.m. on Sunday, April 19, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0258] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Geri Robinson, Bridge Administration Branch, Coast Guard, telephone (504) 671–2128, email *geri.a.robinson@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Coast Guard received a request for a temporary deviation for the Senator Ted Hickey (Leon C. Simon Blvd./Seabrook) crossing the Inner Harbor Navigation Canal, mile 4.6, in New Orleans, Louisiana to remain in the closed-to-navigation position for a nine-hour period during the Ochsner Ironman 70.3, on April 19, 2015. The bridge owner also received a request to close the bridge to all traffic during the Ironman event, which was approved. The bridge provides 45 feet in the closed-to-navigation position above mean sea level. Currently, according to 33 CFR 117.458(c), the draw of the Senator Ted Hickey (Leon C. Simon Blvd./Seabrook), mile 4.6, shall open on signal from 7 a.m. to 8 p.m.; except the bridge need not open from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday. From 8 p.m. to 7 a.m., the draw shall open on signal if at least two hours notice is given. This deviation allows the draw span of the bridge to remain closed to navigation between 8 a.m. and 5 p.m. on Sunday, April 19, 2015, while the Ironman participants travel across the bridge as part of the race course. Navigation on the waterway consists mainly of tugs with tows. As a result of coordination between the Coast Guard and the waterway users, it has been determined that this closure will not have a significant effect on these vessels. The Coast Guard will inform users through the Local and Broadcast Notice to Mariners of the closure period. There is an alternate route available via the Rigolets Pass to vessel traffic. Vessels that can pass under the bridge in the closed-to-navigation position can do so at any time. For the duration of the

event, the bridge will not be able to open for emergencies.

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

Dated: April 8, 2015.

Eric A. Washburn,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2015–08488 Filed 4–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0259]

Drawbridge Operation Regulation; Chef Menteur Pass, Lake Catherine, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. Highway 90 swing highway bridge across the Chef Menteur Pass, mile 2.8, at Lake Catherine, Orleans Parish, Louisiana. The deviation is necessary to ensure the safety of participants in the Ochsner Ironman 70.3 New Orleans event as they travel across the bridge as part of the bike and run courses. This deviation allows the bridge to remain in the closed-to-navigation position continuously during the event.

DATES: This deviation is effective from 7 a.m. through 1 p.m. on Sunday, April 19, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0259] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Geri Robinson, Bridge Administration Branch, Coast Guard, telephone (504) 671–2128, email *geri.a.robinson@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Coast Guard received a request for a temporary deviation for the U.S. Highway 90 swing bridge crossing the Chef Menteur Pass, mile 2.8, at Lake Catherine, Orleans Parish, Louisiana to remain in the closed-to-navigation position for a six-hour period during the Ochsner Ironman 70.3, on April 19, 2015. The bridge owner also received a request to close the bridge to all traffic during the Ironman event, which was approved. The bridge provides 10 feet vertical clearance in the closed-to-navigation position at mean high water. Currently, according to 33 CFR 117.436, the draw of the U.S. Highway 90 Bridge, mile 2.8, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m. Monday through Friday, except Federal holidays, the draw need open only for the passage of vessels. The draw shall open at any time for a vessel in distress. This deviation allows the draw span of the bridge to remain closed to navigation between 7 a.m. and 1 p.m. on Sunday, April 19, 2015, while the Ironman participants travel across the bridge as part of the bike and race courses. Navigation on the waterway consists of mainly commercial fishermen and sportsman fishermen. As a result of coordination between the Coast Guard and the waterway users, it has been determined that this closure will not have a significant effect on these vessels. The Coast Guard will inform users through the Local and Broadcast Notice to Mariners of the closure period. There is an alternate route available via the Rigolets Pass to vessel traffic. Vessels that can pass under the bridge in the closed-to-navigation position can do so at any time. For the duration of the event, the bridge will not be able to open for emergencies.

In accordance with 33 CFR 117.35, the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 8, 2015.

Eric Washburn,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2015–08487 Filed 4–13–15; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 80, No. 71
Tuesday, April 14, 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 ENERGY

10 CFR Parts 429, 430 and 431

[Docket No. EERE–2013–BT–NOC–0005]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Meeting and Webinar

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting and webinar.

SUMMARY: This notice announces a meeting of the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC). The Federal Advisory Committee Act requires that agencies publish notice of an advisory committee meeting in the **Federal Register**.

DATES: Meeting and Webinar: Thursday, April 30, 2015, 10 a.m.–3 p.m.

ADDRESSES: U.S. Department of Energy, Forrestal Building, Room 4A–104, 1000 Independence Avenue SW., Washington, DC 20585. For individuals that wish to attend by webinar, please register at—*http://energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-committee.* After registering you will receive an email with the appropriate link to join the meeting and the necessary call-in information.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, ASRAC Designated Federal Officer, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Plaza SW., Washington, DC 20024. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and recommendations to the Energy Department on the development of standards and test procedures for residential appliances and commercial equipment.

Tentative Agenda: (Subject to change; final agenda will be posted at *http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-NOC-0005*):

- Discussion and prioritization of topic areas that ASRAC can assist the Appliance and Equipment Standards Program
- Discussion of options to engage the public under DOE's retrospective regulatory review plan

Public Participation: Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email *asrac@ee.doe.gov.* In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be completed. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS) recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, Louisiana, New York, American Samoa, Maine, Oklahoma, Arizona, Massachusetts, Washington, and Minnesota.

Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; An Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); A military ID or other Federal government issued Photo-ID card.

Members of the public will be heard in the order in which they sign up for the Public Comment Period. Time allotted per speaker will depend on the number of individuals who wish to speak but will not exceed five minutes. Reasonable provision will be made to include the scheduled oral statements on the agenda. The co-chairs of the Committee will make every effort to hear the views of all interested parties and to facilitate the orderly conduct of business.

Participation in the meeting is not a prerequisite for submission of written comments. ASRAC invites written comments from all interested parties. Any comments submitted must identify the ASRAC, and provide docket number EERE–2013–BT–NOC–0005. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2013–BT–NOC–0005 in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in

the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

Issued in Washington, DC, on April 7, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–08600 Filed 4–13–15; 8:45 am]

BILLING CODE 6450–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 115

RIN 3245–AG70

Surety Bond Guarantee Program; Miscellaneous Amendments

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This rule proposes to change the regulations for SBA's Surety Bond Guarantee Program in four areas. First, as a condition for participating in the Prior Approval and Preferred Programs, the proposal would clarify that a Surety must directly employ underwriting and claims staffs sufficient to perform and manage these functions, and final settlement authority for claims and recovery is vested only in salaried employees of the Surety. Second, the proposal would provide that all costs incurred by the Surety's salaried claims staff are ineligible for reimbursement by SBA, but the Surety may seek reimbursement for amounts paid for specialized services that are provided by outside consultants in connection with the processing of a claim. Third, the rule proposes to modify the criteria for determining when a Principal that caused a Loss to SBA is ineligible for a bond guaranteed by SBA. Fourth, the rule proposes to modify the criteria for admitting Sureties to the Preferred Surety Bond Guarantee Program by increasing the Surety's underwriting limitation, as certified by the U.S. Treasury Department on its list of acceptable sureties, from at least $2 million to at least $6.5 million.

DATES: SBA must receive comments to this proposed rule on or before June 15, 2015.

ADDRESSES: You may submit comments, identified by RIN 3245–AG70, by any of the following methods: (1) Federal eRulemaking Portal: *http://www.regulations.gov,* following the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Barbara J. Brannan, Office of Surety Guarantees, 409 Third Street SW., Suite 8600, Washington, DC 20416.

SBA will post all comments on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* you must submit such information to U.S. Small Business Administration, Barbara J. Brannan, Office of Surety Guarantees, 409 Third Street SW., Washington, DC 20416 or send an email to *Barbara.brannan@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Barbara J. Brannan, Office of Surety Guarantees, (202) 205–6545 or email: *Barbara.brannan@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Changes

The U.S. Small Business Administration (SBA) guarantees bid, payment and performance bonds for small and emerging contractors who cannot obtain surety bonds through regular commercial channels. SBA's guarantee gives Sureties an incentive to provide bonding for small businesses and, thereby, assists small businesses in obtaining greater access to contracting opportunities. SBA's guarantee is an agreement between a Surety and SBA that SBA will assume a certain percentage of the Surety's loss should a contractor default on the underlying contract.

This rule proposes to change the regulations governing SBA's Surety Bond Guarantee Program (SBG Program) in four areas that have prompted questions from participating Sureties over the past year. First, the rule proposes to clarify that, to participate in the Prior Approval and Preferred Programs, a Surety must directly employ underwriting and claims staffs sufficient to perform and manage these functions. Final settlement authority for claims and recoveries is vested only in the surety's claims staff. The current rules require PSB Sureties to vest final settlement authority for claims and recovery in their salaried employees, *see* 13 CFR 115.60(a)(5), and this proposed rule would extend this requirement to Prior Approval Sureties. Some Prior Approval Sureties retain the final underwriting authority to approve a particular bond and some Prior Approval Sureties grant their agents this authority. For the latter arrangement, the proposed rule would clarify that Prior Approval Sureties must have salaried employees responsible for managing and overseeing the underwriting operations. In conducting such oversight, SBA would expect Prior Approval Sureties to periodically conduct reviews of the underwriting operations of their agents to ensure that the agent is underwriting SBA-guaranteed bonds in accordance with the standards set forth in 13 CFR 115.15(a). SBA is not aware that any Prior Approval Surety currently participating in the SBG Program is unable to satisfy this requirement, but is making this requirement explicit in the regulations for clarity and to avoid misunderstanding. PSB Sureties are currently required to vest underwriting authority in their salaried employees, *see* 13 CFR 115.60(a)(4), and the proposed rule would not affect this requirement. Accordingly, while PSB Sureties may allow their agents to perform the initial underwriting on a bond, the current rule requires that only the PSB Surety may execute the bond guarantee agreement (SBA Form 990 or 990A).

Second, the rule proposes to specify that the costs that the Surety incurs for its salaried claims staff are ineligible for reimbursement by SBA. SBA considers such costs to be integral to the Surety's overhead, which is not eligible for reimbursement by SBA. *See* 13 CFR 115.16(f)(1). Under the proposed rule, however, the Surety may seek reimbursement for amounts actually paid by the Surety for specialized services that are provided by an outside consultant, which is not an Affiliate of the Surety, in connection with the processing of a claim, provided that such services are beyond the capability of the Surety's salaried claims staff. For example, to evaluate a claim, the Surety may need the opinion of a structural engineer to determine the Principal's compliance with engineering specifications. SBA would not expect the Surety to directly employ a structural engineer, and SBA would approve reasonable costs to contract for this specialized service as part of the Surety's Loss.

Third, the rule proposes to modify the conditions under which a Principal, and its Affiliates, would be deemed ineligible for a bond guaranteed by SBA in the circumstance where the Principal has previously defaulted on an SBA guaranteed surety bond. Under the current rules, a Principal and its Affiliates are ineligible for further SBA bond guarantees if the Surety has requested reimbursement for Losses

incurred under an SBA guaranteed bond issued on behalf of the Principal. *See* 13 CFR 115.14(a)(4). However, in the Prior Approval Program, the current rules provide that SBA's Office of Surety Guarantees (OSG) may agree, upon the Surety's recommendation, to reinstate the Principal, and its Affiliates, if the Surety has settled its claim with the Principal for an amount and on terms accepted by OSG (13 CFR 115.36(b)(2)), or the Principal's indebtedness to the Surety is discharged by operation of law (*e.g.,* bankruptcy discharge) (13 CFR 115.36(b)(4)), or OSG and the Surety determine that further bond guarantees are appropriate (13 CFR 115.36(b)(5)). In addition, in the PSB Program, the current rules provide that the PSB Surety may reinstate a Principal's eligibility upon the Surety's determination that reinstatement is appropriate (13 CFR 115.14(b)).

SBA is proposing to modify these rules in two ways. First, the proposed rule would prohibit the reinstatement of a Principal if the Principal, or any of its Affiliates, had previously defaulted on an SBA guaranteed bond that resulted in a Loss (as defined in 13 CFR 115.16) that has not been fully reimbursed to SBA or if SBA has not been fully reimbursed for any Imminent Breach payments. The proposed rule would provide that the Principal, or any of its Affiliates, may be reinstated only if SBA has been fully repaid for the Loss or for the Imminent Breach payment. In addition, the discharge of the indebtedness in bankruptcy would no longer qualify the Principal for reinstatement. These changes would conform the SBG Program more closely to SBA's other financial assistance programs under which an applicant is ineligible for financial assistance if it has caused a prior loss to the Agency. *See* 13 CFR 120.111(q). SBA believes that a Principal that has previously caused a Loss to SBA presents a higher risk to the Agency and should not receive the benefit of further SBA financial assistance. Under the proposed rule, SBA would have the authority to waive this prohibition for good cause. For example, if the Principal is able to show that the Loss was attributed to the acts or omissions of a co-owner who is no longer a part of the business, SBA could find good cause to reinstate the eligibility of the Principal. PSB Sureties would not be delegated the authority to make this ''good cause'' determination, but would continue to have the authority to reinstate the eligibility of a Principal when the Surety determines that further bond guarantees are appropriate for those Principals deemed ineligible under paragraphs (1), (2), (3), (5) or (6) of section 115.14.

Second, the proposed rule would apply the same standards regarding the loss of eligibility and the conditions for reinstatement to both the Prior Approval Program and the PSB Program. SBA believes that the conditions for reinstatement of a Principal's eligibility for SBA guaranteed bonds should not depend upon whether the Surety is a Prior Approval Surety or a PSB Surety, but that the reinstatement conditions should be uniform and apply equally to both Programs.

Fourth, the rule proposes to modify the criteria for admitting a Surety to participate in the Preferred Surety Bond Guarantee Program by increasing the Surety's underwriting limitation, as certified by the U.S. Treasury Department on its list of acceptable sureties on Federal bonds, from at least $2 million to at least $6.5 million. This change would conform the underwriting limitation to the statutory increase made by Public Law 112–239 in the maximum amount of any Contract or Order for which SBA may guarantee a bond. All PSB Sureties currently participating in the PSB Program would satisfy this new requirement.

II. Section-By-Section Analysis

Section 115.11. SBA is proposing to revise this Section by including the requirement that an applicant have a salaried staff that is employed directly (not an agent or other individual or entity under contract with the applicant) to oversee its underwriting functions and to perform all claims and recovery functions. This section would also be revised to provide that final settlement authority for claims and recovery actions must be vested only in the applicant's salaried staff. In addition, this section would be revised to clarify that the applicant must continue to comply with SBA's standards and procedures for underwriting, administration, claims, recovery, and staffing requirements while participating in SBA's Surety Bond Guarantee Program.

Section 115.13(a). SBA is proposing to revise this section by adding a new paragraph (7) to provide that, to be eligible for an SBA guaranteed bond, neither the Principal nor any of its Affiliates may be ineligible for an SBA guaranteed bond under the grounds set forth in 13 CFR 115.14.

Section 115.14. SBA is proposing to modify the criteria regarding the loss of the Principal's eligibility for future assistance and the conditions for reinstatement by providing that a Principal loses eligibility for further SBA bond guarantees if the Principal, or any of its Affiliates, has defaulted on an SBA guaranteed bond that resulted in a Loss (as defined in 13 CFR 115.16) that has not been fully reimbursed to SBA, or if SBA has not been fully reimbursed for any Imminent Breach payments. OSG would have the authority to waive this requirement for good cause. In addition, the discharge in bankruptcy of the Principal's indebtedness to the Surety would no longer qualify the Principal for reinstatement.

SBA is also proposing to apply the same criterion on ineligibility and conditions for reinstatement to both the Prior Approval Program and the PSB Program. As the same conditions for reinstatement would apply to both the Prior Approval Program and the PSB Program, the conditions for reinstatement set forth in 13 CFR 115.36(b) and (c) would be moved in their entirety to 13 CFR 115.14(b) and (c), and the heading of this section would be changed to ''Loss of Principal's eligibility for future assistance and reinstatement of Principal''.

Section 115.16(e)(1). SBA is proposing to revise this provision to provide that SBA will reimburse amounts actually paid by a Surety for specialized services that are provided under contract by outside consultants in connection with the processing of a claim, provided that such services are beyond the capability of the Surety's salaried claims staff. The change, coupled with the other changes in this Proposed Rule, clarifies that a Surety cannot outsource routine claims functions and responsibilities or include such costs in its reimbursement requests submitted to SBA under the bond guarantee agreement. With the exception of specialized work that falls outside the scope of the routine processing and administration of claims, the expectation is that the Surety will be able to perform the claims function at no cost to the Agency.

Section 115.16(f)(1). SBA is proposing to revise this provision to clarify that all costs incurred by the Surety's salaried claims staff, whether or not specifically allocable to an SBA guaranteed bond, are excluded from the definition of Loss. Costs incurred by the Surety's salaried claims staff, like all other overhead of the Surety, are the responsibility of the Surety.

Section 115.18(a)(2). SBA is proposing to revise this paragraph to provide that the Surety's failure to continue to comply with the requirements set forth in section 115.11 are sufficient grounds for refusal to issue further guarantees, or in the case

of a PSB Surety, termination of preferred status.

Section 115.36. By including the conditions for reinstatement and the standard for underwriting after reinstatement in § 115.14(b) and (c), this rule proposes to rename the heading of this section to ''§ 115.36 Indemnity settlements'', delete ''(a) Indemnity settlements.'', renumber paragraphs ''(1)'', ''(2)'', and ''(3)'', as ''(a)'', ''(b)'', and ''(c)'', respectively, and remove paragraphs (b) and (c).

Section 115.60(a)(1). SBA is proposing to conform this provision to the statutory increase in the maximum contract amount for which a bond may be guaranteed by removing ''$2,000,000'' and inserting ''$6,500,000'' in its place.

Section 115.60(a)(5). By including in § 115.11 the requirement that all Sureties vest final settlement authority for claims and recovery only in their salaried claims staff, this rule proposes to remove 115.60(a)(5) and renumber the existing paragraph 115.60(a)(6) accordingly. Compliance with Executive Orders 12866, 13563, 12988, and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612).

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule does not constitute a significant regulatory action under Executive Order 12866. This rule is also not a major rule under the Congressional Review Act (5 U.S.C. 800).

Executive Order 13563

In accordance with Executive Order 13563, SBA discussed with several surety companies issues regarding the SGB Program regulations. In particular, SBA discussed the underwriting and claims staffing requirements that sureties must meet in order to participate in SBA's SGB Program. SBA also discussed with these companies the conditions for reimbursement of the costs incurred by their claims staffs. Generally, the sureties responded favorably to SBA's position that changes were necessary to clarify or amend the regulations on these issues.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

SBA has determined that this proposed rule 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, for purposes of Executive Order 13132, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Ch. 35

For the purpose of the Paperwork Reduction Act, 44 U.S.C., Chapter 35, SBA has determined that this proposed rule will not impose any new reporting or recordkeeping requirements.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rulemaking, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. There are 23 Sureties that participate in the SBA program, and no part of this proposed rule would impose any significant additional cost or burden on them. Consequently, this proposed rule does not meet the significant economic impact on a substantial number of small businesses criterion anticipated by the Regulatory Flexibility Act.

List of Subjects in 13 CFR Part 115

Claims, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

For the reasons cited above, SBA proposes to amend 13 CFR part 115 as follows:

PART 115—SURETY BOND GUARANTEE

■ 1. The authority citation for Part 115 continues to read as follows:

Authority: 5 U.S.C. app 3; 15 U.S.C. 687b, 687c, 694a, 694b note; and Pub. L. 110–246, Sec. 12079, 122 Stat. 1651.

■ 2. Amend § 115.11 by adding three sentences at the end to read as follows:

§ 115.11 Applying to participate in the Surety Bond Guarantee Program.

* * * At a minimum, each applicant must have salaried staff that is employed directly (not an agent or other individual or entity under contract with the applicant) to oversee its underwriting function and to perform all claims and recovery functions. Final settlement authority for claims and recovery must be vested only in the applicant's claims staff. The applicant must continue to comply with SBA's standards and procedures for underwriting, administration, claims, recovery, and staffing requirements while participating in SBA's Surety Bond Guarantee Programs.

■ 3. Amend § 115.13 by adding paragraph (a)(7) to read as follows:

§ 115.13 Eligibility of Principal.

* * * * *

(7) *No loss of eligibility.* Neither the Principal nor any of its Affiliates is ineligible for an SBA-guaranteed bond under section 115.14.

■ 4. Amend § 115.14 to read as follows:

■ a. Revise the section heading, and paragraphs (a)(4) and (b).

■ b. Add paragraph (c).

§ 115.14 Loss of Principal's eligibility for future assistance and reinstatement of Principal.

* * * * *

(4) The Principal, or any of its Affiliates, has defaulted on an SBA-guaranteed bond resulting in a Loss that has not been fully reimbursed to SBA, or SBA has not been fully reimbursed for any Imminent Breach payments.

* * * * *

(b) *Reinstatement of Principal's eligibility.* At any time after a Principal becomes ineligible for further bond guarantees under § 115.14(a):

(1) A Prior Approval Surety may recommend that such Principal's eligibility be reinstated, and OSG may agree to reinstate the Principal if:

(i) The Surety has settled its claim with the Principal, or any of its Affiliates, for an amount that results in no Loss to SBA or in no amount owed for Imminent Breach payments, or OSG finds good cause for reinstating the Principal notwithstanding the Loss to SBA or amount owed for Imminent Breach payments; or

(ii) OSG and the Surety determine that further bond guarantees are appropriate after the Principal was deemed ineligible for further SBA bond guarantees under paragraph (1), (2), (3), (5) or (6) of section 115.14(a).

(2) A PSB Surety may:

(i) Recommend that such Principal's eligibility be reinstated, and OSG may

agree to reinstate the Principal, if the Surety has settled its claim with the Principal, or any of its Affiliates, for an amount that results in no Loss to SBA or in no amount owed for Imminent Breach payments, or OSG finds good cause for reinstating the Principal notwithstanding the Loss to SBA or amount owed for Imminent Breach payments; or

(ii) Reinstate a Principal's eligibility upon the Surety's determination that further bond guarantees are appropriate after the Principal was deemed ineligible for further SBA bond guarantees under § 115.14(a) (1), (2), (3), (5) or (6).

(c) *Underwriting after reinstatement.* A guarantee application submitted after reinstatement of the Principal's eligibility is subject to a very stringent underwriting review.

■ 5. Amend § 115.16 by revising paragraphs (e)(1) and (f)(1) to read as follows:

§ 115.16 Determination of Surety's Loss.

* * * * *

(e) * * *

(1) Amounts actually paid by the Surety for specialized services that are provided under contract by an outside consultant, which is not an Affiliate of the Surety, in connection with the processing of a claim, provided that such services are beyond the capability of the Surety's salaried claims staff; and

* * * * *

(f) * * *

(1) Any unallocated expenses, all direct and indirect costs incurred by the Surety's salaried claims staff, or any clear mark-up on expenses or any overhead of the Surety, its attorney, or any other party hired by the Surety or the attorney;

* * * * *

■ 6. Amend § 115.18 by revising paragraph (a)(2) to read as follows:

§ 115.18 Refusal to issue further guarantees; suspension and termination of PSB status.

* * * * *

(2) *Regulatory violations, fraud.* Acts of wrongdoing such as fraud, material misrepresentation, breach of the Prior Approval or PSB Agreement, the Surety's failure to continue to comply with the requirements set forth in § 115.11, or regulatory violations (as defined in §§ 115.19(d) and 115.19(h)) also constitute sufficient grounds for refusal to issue further guarantees, or in the case of a PSB Surety, termination of preferred status.

* * * * *

■ 7. Amend § 115.36 to read as follows:

■ a. Revise the section heading;

■ b. Remove the paragraph heading ''(a) Indemnity settlements.'';

■ c. Remove paragraphs (b) and (c); and

■ d. Redesignate paragraphs ''(1)'', ''(2)'', and ''(3)'', as ''(a)'', ''(b)'', and ''(c)''.

§ 115.36 Indemnity settlements.

* * * * *

§ 115.60 Selection and admission of PSB Sureties. [Amended]

■ 8. Amend § 115.60 to read as follows:

■ a. Amend § 115.60(a)(1) by removing ''$2,000,000'' and inserting ''$6,500,000'' in its place; and

■ b. Remove paragraph (a)(5) and redesignate paragraph (a)(6) as paragraph (a)(5).

Dated: April 6, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–08297 Filed 4–13–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2015–0721; Notice No. 23–15–03–SC]

Special Conditions: Honda Aircraft Company, Model HA–420 HondaJet, Lithium-Ion Batteries

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Honda Aircraft Company, Model HA–420 airplane. This airplane will have a novel or unusual design feature associated with the installation of lithium-ion (Li-ion) batteries. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before May 4, 2015.

ADDRESSES: Send comments identified by docket number [FAA–2015–0721] using any of the following methods:

▪ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

▪ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

▪ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

▪ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Les Lyne, Policies & Procedures Branch, ACE–114, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust; Kansas City, Missouri 64106; telephone (816) 329–4171; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On October 11, 2006, Honda Aircraft Company applied for a type certificate for their new Model HA–420. On October 10, 2013, Honda Aircraft Company requested an extension with an effective application date of October 1, 2013. This extension changed the type certification basis to amendment 23–62.

The HA–420 is a four to five passenger (depending on configuration), two crew, lightweight business jet with a 43,000-foot service ceiling and a maximum takeoff weight of 9963 pounds. The airplane is powered by two GE-Honda Aero Engines (GHAE) HF–120 turbofan engines.

The current regulatory requirements for part 23 airplanes do not contain adequate requirements for the application of Li-ion batteries in airborne applications. This type of battery possesses certain failure, operational characteristics, and maintenance requirements that differ significantly from that of the nickel cadmium and lead acid rechargeable batteries currently approved in other normal, utility, acrobatic, and commuter category airplanes. Therefore, the FAA is proposing this special condition to require that all characteristics of the rechargeable lithium batteries and their installation that could affect safe operation of the HA–420 are addressed, and appropriate Instructions for Continued Airworthiness which include maintenance requirements are established to ensure the availability of electrical power from the batteries when needed.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Honda Aircraft Company must show that the HA–420 meets the applicable provisions of part 23, as amended by Amendments 23–1 through 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 23) do not contain adequate or appropriate safety standards for the HA–420 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the HA–420 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The HA–420 will incorporate the following novel or unusual design feature: The installation of Li-ion batteries.

The current regulatory requirements for part 23 airplanes do not contain adequate requirements for the application of Li-ion batteries in airborne applications. This type of battery possesses certain failure, operational characteristics, and maintenance requirements that differ significantly from that of the nickel cadmium and lead acid rechargeable batteries currently approved in other normal, utility, acrobatic, and commuter category airplanes.

Discussion

The applicable parts 21 and 23 airworthiness regulations governing the installation of batteries in general aviation airplanes, including § 23.1353, were derived from Civil Air Regulations (CAR 3) as part of the recodification that established 14 CFR part 23. The battery requirements, which are identified in § 23.1353, were a rewording of the CAR requirements that did not add any substantive technical requirements. An increase in incidents involving battery fires and failures that accompanied the increased use of Nickel-Cadmium (Ni-Cad) batteries in aircraft resulted in rulemaking activities on the battery requirements for transport category airplanes. These regulations were incorporated into § 23.1353(f) and (g), which apply only to Ni-Cad battery installations.

The proposed use of Li-ion batteries on the HA–420 airplane has prompted the FAA to review the adequacy of the existing battery regulations with respect to that chemistry. As the result of this review, the FAA has determined that the existing regulations do not adequately address several failure, operational, and maintenance characteristics of Li-ion batteries that could affect safety of the battery installation of the HA–420 airplane electrical power supply.

The introduction of Li-ion batteries into aircraft raises some concern about associated battery/cell monitoring systems and how these may affect utilization of an otherwise ''good'' battery as an energy source to the electrical system when monitoring components fail. Associated battery/cell monitoring systems (*i.e.,* temperature, state of charge, etc.) should be evaluated/tested with respect the expected extremes in the aircraft operating environment.

Li-ion batteries typically have different electrical impedance characteristics than lead-acid or Ni-Cad batteries. Honda Aircraft Company needs to evaluate other components of the aircraft electrical system with respect to these characteristics.

At present, there is very limited experience regarding the use of Li-ion rechargeable batteries in applications involving commercial aviation. However, other users of this technology range from wireless telephone manufacturers to the electric vehicle industry and have noted significant safety issues regarding the use of these types of batteries, some of which are described in the following paragraphs:

1. *Overcharging.* In general, lithium batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. This is especially true for overcharging, which causes heating and destabilization of the components of the cell, leading to the formation (by plating) of highly unstable metallic lithium. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion. Finally, the severity of thermal runaway due to overcharging increases with increasing battery capacity due to the higher amount of electrolyte in large batteries.

2. *Over-discharging.* Discharge of some types of lithium battery cells beyond a certain voltage (typically 2.4 volts) can cause corrosion of the electrodes of the cell; resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flight crews as a means of checking battery status—a problem shared with nickel-cadmium batteries.

3. *Flammability of Cell Components:* Unlike nickel-cadmium and lead-acid batteries, some types of lithium batteries use liquid electrolytes that are flammable. The electrolyte can serve as a source of fuel for an external fire if

there is a breach of the battery container.

These safety issues experienced by users of lithium batteries raise concern about the use of these batteries in commercial aviation. The intent of the proposed special condition is to establish appropriate airworthiness standards for lithium battery installations in the HA–420 and to ensure, as required by §§ 23.1309 and 23.601, that these battery installations are not hazardous or unreliable.

Additionally, the Radio Technical Commission for Aeronautics (RTCA), in a joint effort with the FAA and industry, has released RTCA/DO–311, Minimum Operational Performance Standards for Rechargeable Lithium Battery Systems, which gained much of its text directly from previous Li-ion special conditions. Honda Aircraft Company proposes to use DO–311 as the primary methodology for assuring the battery will perform its intended functions safely as installed in the HA–420 airplane and as the basis for test and qualification of the battery. This Special Condition incorporates applicable portions of DO–311.

Applicability

As discussed above, these special conditions are applicable to the HA–420. Should Honda Aircraft Company apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Provisional certification of the HA–420 is currently scheduled for June 2015. The substance of these special conditions has been subject to the notice and public-comment procedure in several prior instances, specifically special conditions 23–236–SC, 23–247–SC, and 23–249–SC. Therefore, because a delay would significantly affect the applicant's both installation of the system and certification of the airplane, we are shortening the public-comment period to 20 days.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Honda Aircraft Company, HA–420 airplanes.

1. Lithium-Ion Battery Installation

a. Safe cell temperatures and pressures must be maintained during any probable charging or discharging condition, or during any failure of the charging or battery monitoring system not shown to be extremely remote. The applicant must design Li-ion battery installation to preclude explosion or fire in the event of those failures.

b. The applicant must design the Li-ion batteries to preclude the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

c. No explosive or toxic gasses emitted by any Li-ion battery in normal operation or as the result of any failure of the battery charging or monitoring system, or battery installation not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

d. Li-ion batteries that contain flammable fluids must comply with the flammable fluid fire protection requirements of § 23.863(a) through (d).

e. No corrosive fluids or gasses that may escape from any Li-ion battery may damage surrounding airplane structure or adjacent essential equipment.

f. The applicant must provide provision for each installed Li-ion battery to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

g. Li-ion battery installations must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating or overcharging; or

(2) A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

h. Any Li-ion battery installation whose function is required for safe operation of the airplane, must incorporate a monitoring and warning feature that will provide an indication to the appropriate flightcrew members whenever the capacity and State of Charge (SOC) of the batteries have fallen below levels considered acceptable for dispatch of the airplane.

i. The Instructions for Continued Airworthiness (ICA) must contain recommended manufacturers maintenance and inspection requirements to ensure that batteries, including single cells, meet a safety function level essential to the aircraft's continued airworthiness.

(1) The ICA must contain operating instructions and equipment limitations in an installation maintenance manual.

(2) The ICA must contain installation procedures and limitations in a maintenance manual, sufficient to ensure that cells or batteries, when installed according to the installation procedures, still meet safety functional levels essential to the aircraft's continued airworthiness. The limitations must identify any unique aspects of the installation.

(3) The ICA must contain corrective maintenance procedures to check battery capacity at manufacturers recommended inspection intervals.

(4) The ICA must contain scheduled servicing information to replace batteries at manufacturers recommended replacement time.

(5) The ICA must contain maintenance and inspection requirements to check visually for battery and/or charger degradation.

j. Batteries in a rotating stock (spares) that have experienced degraded charge retention capability or other damage due to prolonged storage must be functionally checked at manufacturers recommended inspection intervals.

k. The System Safety Assessment (SSA) process should address the software and complex hardware levels for the sensing, monitoring, and warning systems if these systems contain complex devices. The functional hazard assessment (FHA) for the system is required based on the intended functions described. The criticality of the specific functions will be determined by the safety assessment process for compliance with § 23.1309. Advisory Circular 23–1309–1C contains acceptable means for accomplishing this requirement. For determining the failure condition, the criticality of a function will include the mitigating factors. The failure conditions must address the loss of function and improper operations.

Issued in Kansas City, Missouri, on April 6, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–08586 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0824; Directorate Identifier 2013–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 supersede Airworthiness Directive (AD) 98–20–27, for all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 98–20–27 currently requires repetitive inspections to detect fatigue cracking of the wing top skin at the front spar joint; and a follow-on eddy current inspection and repair, if necessary. Since we issued AD 98–20–27, we have received reports of cracking of the wing top skin in an area not required for inspection by AD 98–20–27. This proposed AD would reduce the inspection compliance time and intervals, and extend the inspection area of the wing top skin at the front spar joint. We are proposing this AD to detect and correct fatigue cracking of the wing top skin at the front spar joint, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by May 29, 2015.

ADDRESSES: You may send comments 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–2015–0824; 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–2015–0824; Directorate Identifier 2013–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

On September 16, 1998, we issued AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998). AD 98–20–27 requires actions intended to address an unsafe condition on all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes).

Since we issued AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998): The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0232R1, dated October 2, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

> During full-scale fatigue testing conducted in the early 1990's, cracks were found on the top skin of the wing between Ribs 1 and 7, starting at the front spar fastener holes.
>
> This condition, if not detected and corrected, could adversely affect the structural integrity of the wing.
>
> Consequently, Airbus issued Service Bulletin (SB) A300–57–6045 and DGAC [Direction Générale de l'Aviation Civile] France issued AD 97–374–238 [*http://ad.easa.europa.eu/blob/19973740tb_superseded.pdf/AD_F-1997-374-238_2*] for A300–600 aeroplanes and AD 1999–008–020 [*http://ad.easa.europa.eu/blob/19980080tb_superseded.pdf/AD_F-1999-008-020_2*] for A300–600ST aeroplanes to require repetitive detailed inspections of the wing top skin and, in case of findings, an Eddy Current (EC) inspection, and, depending on the size of the cracks, repair.
>
> After those [DGAC] ADs were issued, further cracks to the wing top skin were reported by operators, within an area not covered by the existing [DGAC] ADs. To address this potential unsafe condition, Airbus revised SB A300–57–6045 to extend the area to be inspected.
>
> In addition, a fleet survey and updated Fatigue and Damage Tolerance analyses were performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of these analyses have determined that the inspection thresholds and intervals must be reduced to allow timely detection of these cracks and the accomplishment of applicable corrective action(s).
>
> As the ESG2 exercise is only applicable to A300–600 aeroplanes, A300–600ST aeroplanes are now addressed through new Airbus SB A300–57–9026.
>
> For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD 97–374–238(B) [*http://ad.easa.europa.eu/blob/19973740tb_superseded.pdf/AD_F-1997-374-238_2*] [which corresponds to FAA AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998)] and [DGAC] AD 1999–008–020(B) [*http://ad.easa.europa.eu/blob/19980080tb_superseded.pdf/AD_F-1999-008-020_2*], which are superseded, but requires

those actions, for A300–600 aeroplanes only, within reduced thresholds and intervals.

* * * * *

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–2015–0824.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013. The service information describes inspection procedures for fatigue cracking of the wing top skin at the front spar joint between ribs 1 and 7. 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.

Differences Between This Proposed AD and the MCAI or Service Information

Unlike the procedures described in the MCAI and Airbus Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013, this proposed AD would not permit further flight if cracks are detected in the wing top skin at the front spar joint. We have determined that, because of the safety implications and consequences associated with that cracking, any cracked wing top skin at the front spar joint must be repaired before further flight. This difference has been coordinated with the EASA.

Costs of Compliance

We estimate that this proposed AD affects 130 airplanes of U.S. registry.

The actions that are required by AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998), and retained in this proposed 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 are required by AD 98–20–27 is $170 per product.

We also estimate that it would take about 2 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 $22,100, or $170 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified 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 removing Airworthiness Directive (AD) 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998), and adding the following new AD:

Airbus: Docket No. FAA–2015–0824; Directorate Identifier 2013–NM–191–AD.

(a) Comments Due Date

We must receive comments by May 29, 2015.

(b) Affected ADs

This AD replaces AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998).

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Airbus Model A300 B4–605R and B4–622R airplanes.

(3) Airbus Model A300 F4–605R and F4–622R airplanes.

(4) Airbus Model A300 C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracking of wing top skin in an area not required for inspection by AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998). We are issuing this AD to detect and correct fatigue cracking of the wing top skin at the front spar joint, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Repetitive Inspections, With Revised Service Information

This paragraph restates the requirements of paragraph (a) of AD 98–20–27, Amendment

39–10793 (63 FR 50981, September 24, 1998), with revised service information. Prior to the accumulation of 22,000 total flight cycles, or within 2,000 flight cycles after October 29, 1998 (the effective date of AD 98–20–27), whichever occurs later: Perform a detailed visual inspection to detect fatigue cracking of the wing top skin at the front spar joint, in accordance with Airbus Service Bulletin A300–57–6045, Revision 1, dated August 3, 1994, including Appendix 1, Revision 1, dated August 3, 1994; Airbus Service Bulletin A300–57–6045, Revision 02, dated April 21, 1998, including Appendix 1, Revision 02, dated April 21, 1998; or Airbus Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013. Repeat the detailed visual inspection thereafter at intervals not to exceed 8,000 flight cycles.

(h) Retained Inspection and Repair, With Revised Service Information

This paragraph restates the requirements of paragraph (b) of AD 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998), with revised service information. If any cracking is suspected or detected during any inspection required by paragraph (g) of this AD: Prior to further flight, perform an eddy current inspection to confirm the findings of the visual inspection, in accordance with Airbus Service Bulletin A300–57–6045, Revision 01, dated August 3, 1994, including Appendix 1, Revision 01, dated August 3, 1994; Airbus Service Bulletin A300–57–6045, Revision 02, dated April 21, 1998, including Appendix 1, Revision 02, dated April 21, 1998; or Airbus Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013. If any cracking is detected during any eddy current inspection, prior to further flight, repair using a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

(i) New Requirement of This AD: Initial Inspection

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD: Do a detailed inspection of the wing top skin between ribs one and seven for cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013. Accomplishment of the initial inspection required by this paragraph terminates the requirements of paragraph (g) of this AD.

(1) For Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes, Model A300 B4–605R and B4–622R airplanes, and Model A300 C4–605R Variant F airplanes: At the later of the times specified in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD.

(i) Before the accumulation of 17,100 total flight cycles or 38,400 total flight hours, whichever occurs first.

(ii) Within 1,000 flight cycles or 2,200 flight hours, whichever occurs first after the effective date of this AD.

(2) For Model A300 F4–605R and F4–622R airplanes: At the later of the times specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD.

(i) Before the accumulation of 22,000 total flight cycles or 49,500 total flight hours, whichever occurs first.

(ii) Within 1,300 flight cycles or 2,800 flight hours, whichever occurs first after the effective date of this AD.

(j) New Requirement of This AD: Repetitive Inspections

Repeat the inspection required by paragraph (i) of this AD thereafter at the applicable time and intervals specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) For Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes, Model A300 B4–605R and B4–622R airplanes, and Model A300 C4–605R Variant F airplanes: At the applicable time specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD.

(i) For airplanes that have an average flight time (AFT) that is equal to or more than one and one-half hours: At intervals not to exceed 5,100 flight cycles or 11,000 flight hours, whichever occurs first.

(ii) For airplanes that have an AFT that is less than one and one-half hours: At intervals not to exceed 5,500 flight cycles or 8,300 flight hours, whichever occurs first.

(2) For Model A300 F4–605R and F4–622R airplanes: At the applicable time specified in paragraph (j)(2)(i) or (j)(2)(ii) of this AD.

(i) For airplanes that have an AFT that is equal to or more than one and one-half hours: At intervals not to exceed 6,500 flight cycles or 14,100 flight hours, whichever occurs first.

(ii) For airplanes that have an AFT that is less than one and one-half hours: At intervals not to exceed 7,000 flight cycles or 10,600 flight hours, whichever occurs first.

(k) New Requirement of This AD: Repair of Cracking

(1) If any crack in the top skin in the area forward of the front spar attachment is found during any inspection required by paragraph (i) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(2) If any crack or sign of a crack is found in the top skin at or aft of the spar attachment during any inspection required by paragraph (i) of this AD: Before further flight, do an eddy current inspection of the cracks or of the signs of cracking to confirm the findings of the detailed inspection, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013. If there are any cracks at or aft of the spar attachment, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; EASA; or Airbus's EASA DOA.

(l) No Terminating Action

Accomplishment of any repair required by paragraph (k) this AD does not constitute terminating action for the repetitive inspections required by paragraph (j) of this AD.

(m) No Reporting Required

Although Airbus Service Bulletin A300–57–6045, Revision 10, dated November 13, 2013, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(n) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (i), (j) and (k) of this AD, if those actions were performed before the effective date of this AD using the Airbus service bulletins specified in paragraphs (n)(1) through (n)(10) of this AD, which are not incorporated by reference in this AD.

(1) Airbus Service Bulletin A300–57–6045, dated March 18, 1993.

(2) Airbus Service Bulletin A300–57–6045, Revision 01, dated August 3, 1994.

(3) Airbus Service Bulletin A300–57–6045, Revision 02, dated April 21, 1998.

(4) Airbus Service Bulletin A300–57–6045, Revision 03, dated October 25, 1999.

(5) Airbus Service Bulletin A300–57–6045, Revision 04, dated January 13, 2002.

(6) Airbus Service Bulletin A300–57–6045, Revision 05, dated June 13, 2003.

(7) Airbus Service Bulletin A300–57–6045, Revision 06, dated January 13, 2005.

(8) Airbus Service Bulletin A300–57–6045, Revision 07, dated August 14, 2008.

(9) Airbus Service Bulletin A300–57–6045, Revision 08, dated June 6, 2011.

(10) Airbus Service Bulletin A300–57–6045, Revision 09, dated May 21, 2013.

(o) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, 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*.

(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 98–20–27, Amendment 39–10793 (63 FR 50981, September 24, 1998), 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.

(p) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0232R1, dated October 2, 2013, 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–2015–0824.

(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 March 27, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–08071 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0007; Notice No. 151]

RIN 1513–AC17

Proposed Establishment of the Lamorinda Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 29,369-acre ''Lamorinda'' viticultural area in Contra Costa County, California. The proposed viticultural area lies entirely within the larger San Francisco Bay viticultural area and the multicounty Central 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. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by June 15, 2015.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2015–0007 at Regulations.gov, the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

See the **PUBLIC PARTICIPATION** section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G St. 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 the 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.

Lamorinda Petition

TTB received a petition from Patrick L. Shabram, on behalf of the Lamorinda Wine Growers Association, proposing the establishment of the ''Lamorinda'' AVA. The proposed Lamorinda AVA is located in Contra Costa County, California, and contains the cities of Lafayette, Moraga, and Orinda. The

proposed viticultural area lies in the northeast portion of the San Francisco Bay AVA (27 CFR 9.157) and also within the larger, multicounty Central Coast AVA (27 CFR 9.75).

The proposed AVA contains approximately 29,369 acres and has 46 commercially producing vineyards that cover approximately 139 acres. The petition states that the individual vineyards are small, each covering less than 5 acres, due to the hilly terrain and the largely suburban nature of the region. However, three much larger commercial vineyards covering a total of 130 acres are either in the early development or public review stages. There also are six bonded wineries currently within the proposed AVA. According to the petition, the distinguishing features of the proposed Lamorinda AVA include its topography, soils, geology, and climate. Unless otherwise noted, all information and data pertaining to the proposed viticultural area contained in this document are from the petition for the proposed Lamorinda AVA and its supporting exhibits, which may be viewed in Docket No. TTB–2015–0007 at Regulations.gov.

Name Evidence

The proposed Lamorinda AVA takes its name from a commonly used portmanteau derived from the names of the three cities within the region: Lafayette (''La''), Moraga (''mor''), and Orinda (''inda''). As evidence of the use of the name ''Lamorinda'' in this region, the petition included a Rand McNally map of the region titled ''Lamorinda.'' The petition also included a listing of publications, sports clubs, businesses, and organizations within the proposed AVA that use the name ''Lamorinda.'' For example, a biweekly newspaper entitled *Lamorinda Weekly* and a Web site known as Lamorinda Web both provide news and information about the community. The Lamorinda Soccer Club, the Lamorinda Baseball Club, and the Lamorinda Rugby Football Club are all youth sports organizations in the region. A local transportation service known as the Lamorinda Spirit Van provides transportation for the elderly and individuals with disabilities within the region of the proposed AVA. Other businesses and organizations cited in the petition include Lamorinda Moms, Lamorinda Democratic Club, Lamorinda Sunrise Rotary, Lamorinda Music, Lamorinda Pediatrics, Lamorinda Theatre Academy, and Lamorinda Solar.

Boundary Evidence

The proposed Lamorinda AVA is comprised of hilly-to-mountainous terrain and occupies an area described in the petition as suburban. Elevations range from approximately 220 feet along Las Trampas Creek, which runs through the city of Lafayette in the eastern portion of the proposed AVA, to a 2,024-foot peak on Rocky Ridge in the southeastern corner of the proposed AVA.

The eastern boundary of the proposed Lamorinda AVA follows a series of straight lines drawn along the ridgeline that separates the city of Walnut Creek, which lies just outside the boundary, from the city of Lafayette. The proposed eastern boundary also separates the hilly terrain of the proposed AVA from the flatter, lower elevations of the Ygnacio Valley and the San Ramon Valley. The proposed southern boundary follows a series of straight lines drawn between peaks to separate the proposed AVA from the more rugged, mountainous terrain to the south. The proposed western boundary follows a series of lines drawn between mountain peaks to follow the Gudde Ridge, which separates the proposed AVA from the Berkeley Hills and Oakland Highlands, both of which lie west of the proposed AVA. West of the Berkeley Hills and Oakland Highlands, the land slopes sharply towards the flatter, lower terrain surrounding San Leandro Bay and San Francisco Bay. The proposed northern boundary follows a portion of the corporate boundary line of the city of Orinda and a series of straight lines drawn between unnamed peaks whose elevations are marked on the USGS maps. The proposed boundary separates the proposed AVA from the lower, slightly cooler region surrounding the Briones Reservoir, the San Pablo Reservoir, and Suisun Bay, which all lie just north of the proposed AVA.

Distinguishing Features

The distinguishing features of the proposed Lamorinda AVA include its topography, soils, geology, and climate.

Topography

The proposed Lamorinda AVA is characterized by hilly-to-mountainous terrain, with a number of moderate-to-steep slopes throughout the region. Valleys within the proposed AVA tend to be very narrow. The high ridgelines that form the northern and western boundaries of the proposed AVA limit the amount of cool marine air that enters the region, giving the proposed AVA a warmer climate than the regions to the north and west.

According to the petition, the hilly terrain of the proposed AVA affects viticulture. All vineyards within the proposed AVA are located on hillsides because the valley floors are too narrow for commercial viticulture. Because of the steepness of the hillsides, machinery cannot be used safely in the vineyards. Therefore, all vineyard work, including harvesting, must be done by hand. The inability to use machinery keeps the vineyards small. The steep hillsides also promote airflow within the vineyards, which dries and cools the vines and reduces the risk of mildew. Finally, the hilly terrain is suitable for growing both cool- and warm-climate varietals, sometimes within the same vineyard. As an example of cool- and warm-climate grapes growing in the same vineyard, the petition cites the Captain Vineyards in Moraga, which grows both Pinot Noir and Cabernet Sauvignon. The steepness of the vineyard means vines planted on the lower portions of the hillsides receive less sunlight, making the temperature cool enough to grow cool-climate grapes such as Pinot Noir. By contrast, the hilltops receive more sunlight, which raises the temperature enough to grow warm-climate grapes such as Cabernet Sauvignon.

The hilly-to-mountainous topography of the proposed Lamorinda AVA contrasts with the terrain of the surrounding regions. To the north, the terrain becomes flatter as the land slopes down towards Suisun Bay. To the immediate east of the proposed AVA are the Ygnacio Valley and San Ramon Valley, which both have flatter terrain than the proposed AVA. To the immediate south of the proposed AVA, the topography is more mountainous and rugged than within the proposed AVA. To the west, the Berkeley Hills and Oakland Hills give way to the flat coastal terrain along San Leandro Bay and San Francisco Bay.

In addition to having a distinctive topography, the proposed Lamorinda AVA also has a suburban land use pattern that is distinct from many other AVAs. According to the petition, 79.5 percent of the proposed AVA is located within the city limits of Lafayette, Moraga, and Orinda. However, the petition also notes that the proposed AVA has semi-rural characteristics, with homes on large lots and a low population density. As a result, property owners often have room to plant vineyards that are large enough to allow for commercial viticulture. The petition states that the areas to the immediate east and west of the proposed AVA are more urban than the proposed AVA, with higher population densities and land that is subdivided into much smaller lots than the land within the proposed Lamorinda AVA. Therefore,

commercial viticulture is not possible within those areas.

Soils

According to a geological report included with the petition as Exhibit B, the soils of the proposed Lamorinda AVA are classified as mollisols and vertisols. Mollisols are soils that are high in organic material and calcium and are common in areas where grass is the predominant native vegetation. Vertisols, the predominant soils in the proposed AVA, have high levels of clay and are known to shrink and form deep cracks during dry periods. The high clay content in the soils of the proposed AVA is attributable to the weathering of the clay-rich Orinda Formation that underlies the region.

The most prevalent soil series within the proposed AVA are Los Osos clay loam, Lodo clay loam, Alo clay, Sehorn clay, and Altamont-Fontana Complex. Clay-rich soils such as these typically have high water-holding capacities, which can reduce the sugar content of the grapes and increase the risk of diseases and rot in vineyards. However, the soils of the proposed Lamorinda AVA have lower than expected water-holding capacities because the thinness of the soils, the steepness of the terrain, and the presence of sand in the soils all allow for the rapid runoff of excess water. The thinness of the soils also has the added effect of preventing the vines from growing too vigorously.

The soils of the proposed Lamorinda AVA are distinctive from the soils in the surrounding regions. The soils to the west, south, and southeast of the proposed AVA are formed from a combination of sedimentary and volcanic materials. To the north of the proposed Lamorinda AVA, the soils along the Suisun Bay are fine-grained bay mud, which is unsuitable for viticulture due to its high water-holding capacity. To the east in the Ygnacio Valley, the soils are deeper, coarser alluvial deposits.

Geology

The dominant geological formation of the proposed AVA is the Orinda Formation. Other major geological formations within the proposed AVA include the Briones Formation and the Mulholland Formation. All three of these underlying geological formations contain large amounts of sedimentary rocks, including sandstone. Other sedimentary rocks present within these formations include shale, which is common in the Mulholland Formation, and claystone casts, which are present in large numbers in the Orinda Formation.

The proposed Lamorinda AVA is bordered by two major faults. The Hayward Fault lies to the west of the proposed AVA and passes through the cities of Oakland and Berkeley. The Calaveras Fault runs east of the proposed AVA and through the city of Walnut Creek. The two faults angle toward each other and merge south of the proposed AVA. Millions of years ago, seismic activity in the Hayward Fault led to the uplifting of the Berkeley Hills and the formation of a restricted marine basin in the region of the proposed AVA. A restricted marine basin is a body of saltwater or brackish water that has more water flowing into the basin than out of it, due to the surrounding topography. Fine materials weathering from the Berkeley Hills, to the west, and the foothills of Mount Diablo, to the southeast, settled in this basin and led to the creation of the Orinda Formation. Eventually, the basin was completely restricted and became a shallow lake. The deposition of weathered material into this shallow lake created the Mulholland Formation. Over time, seismic activity along the Hayward Fault and the Calaveras Fault uplifted the bottom of the shallow lake, draining the lake and forming the hilly terrain that is characteristic of the proposed Lamorinda AVA.

To the east of the proposed Lamorinda AVA, the dominant geological formation is the Tassajara–Green Valley Formation, which consists of mudstone, sandstone, and small amounts of volcanic material. To the south of the proposed AVA, the Orinda, Briones, and Mulholland Formations continue to dominate, eventually giving way to the Forearc Assemblage. To the west, the dominant geologic formations are the Forearc Assemblage, the Franciscan Formation, and the Great Valley Ophiolite, along with the Moraga Formation and Siesta Formation. To the north, the Briones and Monterey Formations dominate and eventually give way to Forearc Assemblage.

The geology of the proposed Lamorinda AVA affects viticulture indirectly through its role in forming the terrain and soils of the region. Erosion of the Orinda Formation led to the formation of the proposed AVA's clay-rich soils with high water-holding capacities. The uplifting of the floor of the ancient lake created the steep, hilly terrain of the proposed AVA. The steepness of the hills provides good drainage and limits the depth of the soils, both of which help mitigate the high water-holding capacity of the soils in the proposed AVA. Finally, the hills of the proposed AVA allow for good airflow in vineyards and provide a variety of slope aspects that are suitable for growing a wide variety of grapes.

Climate

Ridgelines shelter the proposed Lamorinda AVA from much of the diurnal fog and cool marine air moving inland from San Francisco Bay, San Pablo Bay, and Suisun Bay. While some marine air enters the proposed AVA through narrow creek valleys and wind gaps, the region is less exposed to the cool air as the regions along the bays. Additionally, the small amount of daytime fog that enters the proposed AVA is thin and burns off quickly, unlike the heavier, longer-lasting fog of the coastal areas. As a result, the proposed AVA receives more sunlight and has generally warmer temperatures than the surrounding regions, except for the regions farther inland, which receive very little, if any, marine air and fog. The proposed AVA does receive some nocturnal fog, although the petition states that nocturnal fog has a different effect on temperatures than diurnal fog. Diurnal fog usually lowers daytime temperatures by blocking the sunlight. By contrast, nocturnal fog has a modest warming effect on nighttime temperatures. When the heat that has been absorbed by soil during the day is released back into the air at night, nocturnal fog acts as a blanket, trapping the heat closer to the ground and preventing it from dissipating.

The petition included annual growing degree day (GDD) [1] data from eight weather stations within and around the proposed Lamorinda AVA. The data from all eight stations is contained in Exhibit C of the petition. Of the four stations that had complete data from 2007 to 2011, the data showed that the proposed AVA had the highest GDD accumulations over that period, which substantiates the petition's claim that the proposed AVA is sheltered from cooling marine air and diurnal fog more so than surrounding areas. The following table from the petition summarizes the GDD data from the four stations that had complete data from 2007 to 2011.

[1] In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual GDDs, defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth. See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), pages 61–64.

ANNUAL GROWING DEGREE DATA FROM 2007–2011

Year	Lafayette Reservoir [2] (within proposed AVA)	Oakland Foothills [3] (South-southwest of proposed AVA)	Concord [4] (Northwest of proposed AVA)	Pleasanton [5] (Southeast of proposed AVA)
2007	2,928	2,187	3,024	2,863
2008	3,325	2,479	3,209	3,068
2009	3,215	2,367	3,068	3,090
2010	2,816	2,103	2,664	2,599
2011	2,995	2,173	2,778	2,842

The datafrom the remaining four weather stations [6] outside the proposed AVA was incomplete for the years between 2007 and 2011. However, the data that was provided also shows that the proposed AVA had higher GDD accumulations than three of those stations. The fourth station, located in Brentwood, California, which is to the east of the proposed AVA, had higher GDD accumulations than the proposed AVA. This further substantiates the petition's claim that areas outside of the proposed AVA, such as Brentwood and other areas located much farther inland, differ in that they receive less marine air and fog than the proposed AVA.

The warm temperatures, high GDD accumulations, and lack of diurnal fog in the proposed Lamorinda AVA have an effect on viticulture. Slower-maturing varieties of grapes have ample time to ripen because the warm temperatures and plentiful sunlight allow for long days of photosynthesis. By contrast, slower-maturing varieties of grapes are less likely to ripen successfully in the cooler, foggier regions to the north, south, and west of the proposed AVA because lower temperatures and lower levels of sunlight interrupt photosynthesis.

Summary of Distinguishing Features

In summary, the evidence provided in the petition indicates that the geographic features of the proposed Lamorinda AVA are distinguishable from those of the surrounding regions. The terrain of the proposed AVA is moderate-to-steep hills, which contrasts with the steeper, more rugged terrain to the south and west and the lower, flatter plains to the north and east. The soils of the proposed AVA are high in clay, whereas volcanic materials are present in the soils to the south and west and alluvial deposits are prominent to the north and east. The dominant geological formation of the proposed Lamorinda AVA is the Orinda Formation, whereas the Tassajara–Green Valley Formation is prominent to the east and the Forearc Assemblage dominates the regions to the north, west, and south. Finally, the surrounding regions are more exposed to marine air and fog and have lower GDD accumulations than the proposed AVA.

Comparison of the Proposed Lamorinda Viticultural Area to the Existing San Francisco Bay and Central Coast AVAs

San Francisco Bay AVA

The San Francisco Bay AVA was established by T.D. ATF–407, which was published in the **Federal Register** on January 20, 1999 (64 FR 3024). According to T.D. ATF–407, the San Francisco Bay AVA is distinguished by a climate that is heavily influenced by marine air and fog from San Francisco Bay and the Pacific Ocean. The presence of stream valleys and wind gaps in the region allows limited amounts of marine air and fog to travel beyond the coastal mountains and into the interior regions of the AVA. However, as one travels easterly from the coastline, the climate generally becomes drier and warmer as the marine influence diminishes.

The proposed Lamorinda AVA is located in the eastern portion of the San Francisco Bay AVA and shares some broad characteristics of the larger San Francisco Bay AVA. While the proposed Lamorinda AVA receives some marine air that enters the region through stream valleys and wind gaps, much of the cooling air is blocked by the higher elevations that surround the proposed AVA to the north, west, and south. The proposed AVA also experiences some light nocturnal marine fog, but the heavy diurnal fog that characterizes the more coastal portions of the San Francisco Bay AVA seldom occurs.

Central Coast AVA

The large, 1 million-acre Central Coast AVA was established by T.D. ATF–216, which was published in the **Federal Register** on October 24, 1985 (50 FR 43128). The Central Coast viticultural area encompasses the California counties of Alameda, Contra Costa, Monterey, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz, and it contains 28 established AVAs. T.D. ATF–216 describes the Central Coast viticultural area as extending from Santa Barbara to the San Francisco Bay area, and east to the California Coastal Ranges. The only distinguishing feature of the California Coast AVA addressed in T.D. ATF–216 is that all of the included counties experience marine climate influence due to their proximity to the Pacific Ocean.

The proposed Lamorinda AVA is located within the Central Coast AVA and, like the larger AVA, experiences mild marine breezes and nocturnal marine fog. However, due to its much smaller size, the proposed AVA has greater uniformity in geographical features such as topography, temperature, and soils, than the larger, multicounty Central Coast AVA.

TTB Determination

TTB concludes that the petition to establish the approximately 29,369-acre Lamorinda AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for viticultural area in the proposed regulatory text published at the end of this proposed rule.

Maps

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

[2] Data from the East Bay Municipal Utility District (EBMUD) station located at the reservoir.

[3] Data from the California Irrigation Management Information System (CIMIS) station #147 (''Oakland Foothills'') on the campus of Mills College in Oakland, CA.

[4] Data from the CIMIS station #170 (''Concord'') on the Diablo Creek Golf Course in Concord, CA.

[5] Data from the CIMIS station #191 (''Pleasanton'') located in Alameda County, CA.

[6] EBMUD station at San Pablo Reservoir (north-northwest of proposed AVA), EBMUD station at Briones Reservoir (north of proposed AVA), EBMUD station at Upper San Leandro Reservoir (south of proposed AVA), and CMIS station #47 (''Brentwood'') in Brentwood (east of proposed AVA).

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 § 4.25(e)(3) of the TTB regulations (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 or other viticulturally significant term that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Lamorinda,'' 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 proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Lamorinda'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Lamorinda AVA would not affect any existing viticultural area, and any bottlers using ''San Francisco Bay'' or ''Central Coast'' as an appellation of origin or in a brand name for wines made from grapes grown within the San Francisco Bay or Central Coast AVAs would not be affected by the establishment of this new AVA. The establishment of the proposed Lamorinda AVA would allow vintners to use ''Lamorinda,'' ''San Francisco Bay,'' and ''Central Coast'' as appellations of origin for wines made from grapes grown within the proposed Lamorinda AVA, if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Lamorinda AVA's location within the existing San Francisco Bay and Central Coast AVAs, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing San Francisco Bay and Central Coast AVAs. TTB also is interested in comments whether the geographic features of the proposed AVA are so distinguishable from the surrounding San Francisco Bay and Central Coast AVAs that the proposed Lamorinda AVA should no longer be part of those AVAs. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Lamorinda AVA on wine labels that include the term ''Lamorinda'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB also is interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2015–0007 on Regulations.gov, the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 151 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 151 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2015–0007 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 151. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if

any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You also may view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area 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 proposed 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 notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend 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.___to read as follows:

§ 9. Lamorinda.

(a) *Name.* The name of the viticultural area described in this section is ''Lamorinda''. For purposes of part 4 of this chapter, ''Lamorinda'' 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 Lamorinda viticultural area are titled:

(1) Walnut Creek, CA, 1995;

(2) Las Trampas Ridge, CA, 1995;

(3) Oakland East, CA, 1997; and

(4) Briones Valley, CA, 1995.

(c) *Boundary.* The Lamorinda viticultural area is located in Contra Costa County, California. The boundary of the Lamorinda viticultural area is as described below:

(1) The beginning point is on Walnut Creek map at the water tank (known locally as the Withers Reservoir) at the end of an unnamed light-duty road known locally as Kim Road, in the Cañada del Hambre Y Las Bolsas Land Grant.

(2) From the beginning point, proceed south-southeast in a straight line approximately 0.8 mile to the 833-foot peak marked ''Hump 2;'' then

(3) Proceed southeast in a straight line approximately 1.7 miles to the marked 781-foot peak south of the shared Lafayette–Walnut Creek corporate boundary line and north of an unnamed light-duty road known locally as Peaceful Lane; then

(4) Proceed southeast in a straight line approximately 0.3 mile to the marked 610-foot peak southwest of an unnamed light-duty road known locally as Secluded Place; then

(5) Proceed south-southwest in a straight line approximately 1.7 miles to an unidentified benchmark at the end of an unnamed unimproved road known locally as Diablo Oaks Way in section 33, T1N/R2W; then

(6) Proceed southeast in a straight line approximately 0.5 mile, crossing onto the Las Trampas map, and continuing another 0.9 mile to the substation at the southeast corner of section 4, T1S/R2W; then

(7) Proceed southeast in a straight line approximately 2.3 miles to the 1,827-foot summit of Las Trampas Peak, section 22, T1S/R2W; then

(8) Proceed south-southeast in a straight line approximately 2.1 miles to the 2,024-foot benchmark marked ''Rock 2'' in section 26, T1S/R2W; then

(9) Proceed west-southwest in a straight line approximately 2.7 miles to the marked 1,057-foot peak in section 29, T1S/R2W; then

(10) Proceed west-southwest in a straight line approximately 2 miles to the intersection of the 1,000-foot elevation line with the Contra Costa–Alameda County line in section 31, T1S/R2W; then

(11) Proceed northwest in a straight line approximately 0.4 mile, crossing onto the Oakland East map, then continuing another 0.1 mile to the 1,121-foot peak in section 30, T1S/R2W; then

(12) Proceed northwest in a straight line approximately 3.6 miles to the 1,301-foot peak in section 15, T1S/R3W; then

(13) Proceed northwest in a straight line approximately 1.6 miles to the 1,634-foot peak in section 9, T1S/R3W; then

(14) Proceed northwest in a straight line approximately 2.2 miles to the communication tower on the Contra Costa–Alameda County line in section 5, T1S/R3W; then

(15) Proceed north in a straight line approximately 0.1 mile, crossing onto the Briones Valley map, then continuing another 0.6 mile to the 1,905-foot summit of Vollmer Peak in the El Sobrante Land Grant; then

(16) Proceed north-northeast in a straight line approximately 3 miles, crossing over to the 1,027-foot peak in the Boca de la Cañada del Pinole Land Grant, to the Orinda corporate boundary line; then

(17) Proceed generally east along the Orinda corporate boundary line approximately 3.3 miles to the water tank at the 1,142-foot elevation in the Boca de la Cañada del Pinole Land Grant; then

(18) Proceed east-northeast in a straight line approximately 1.2 miles to the 1,357-foot benchmark marked ''Russell'' in the Boca de la Cañada del Pinole Land Grant; then

(19) Proceed northwest in a straight line approximately 0.8 mile to the 1,405-foot peak in the Boca de la Cañada del Pinole Land Grant; then

(20) Proceed east-northeast in a straight line approximately 0.5 mile, crossing onto the Walnut Creek map, then continuing another 1.1 miles to the beginning point.

Signed: April 7, 2015.

John J. Manfreda,

Administrator.

[FR Doc. 2015–08495 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0005; Notice No. 149]

RIN 1513–AC14

Proposed Establishment of the Lewis-Clark Valley Viticultural Area and Realignment of the Columbia Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 306,650-acre ''Lewis-Clark Valley'' viticultural area in portions of Nez Perce, Lewis, Clearwater and Latah Counties in Idaho and Asotin, Garfield, and Whitman Counties in Washington. TTB also proposes to modify the boundary of the existing Columbia Valley viticultural area to eliminate a potential overlap with the proposed Lewis-Clark Valley viticultural area. The proposed boundary modifications would decrease the size of the approximately 11,370,320-acre Columbia Valley viticultural area by approximately 57,020 acres. 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. TTB invites comments on these proposals.

DATES: TTB must receive your comments on or before June 15, 2015.

ADDRESSES: Please send your comments on this proposal to one of the following addresses:

- *http://www.regulations.gov* (via the online comment form for this document as posted within Docket No. TTB–2015–0005 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200E, Washington, DC 20005.

See the Public Participation section of this document for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

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 the 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 the 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.

Petitions to modify the boundary of an existing AVA which would result in a decrease in the size of an existing AVA must include the following:

- An explanation of the extent to which the current AVA name does not apply to the excluded area;
- An explanation of how the distinguishing features of the excluded area are different from those within the boundary of the smaller AVA; and
- An explanation of how the boundary of the existing AVA was incorrectly or incompletely defined or is no longer accurate due to new evidence or changed circumstances.

Petition To Establish the Lewis-Clark Valley AVA and To Modify the Boundary of the Columbia Valley AVA

TTB received a petition from Dr. Alan Busacca, a licensed geologist and founder of Vinitas Consultants, LLC, on behalf of the Palouse-Lewis Clark Valley Wine Alliance and the Clearwater Economic Development Association. The petition proposed to establish the ''Lewis-Clark Valley'' AVA and to modify the boundary of the existing ''Columbia Valley'' AVA (27 CFR 9.74).

The proposed Lewis-Clark Valley AVA is located at the confluence of the Snake River and the Clearwater River and covers portions of Nez Perce, Lewis, Clearwater, and Latah Counties in northern Idaho and Asotin, Garfield, and Whitman Counties in southeastern Washington.

The proposed Lewis-Clark Valley AVA contains approximately 306,650 acres and has 3 bonded wineries, as well as 16 vineyards containing more than 81 acres of grapes distributed across the proposed AVA. According to the petition, an additional 50 acres of grapes are expected to be planted in the next few years. The distinguishing features of the proposed viticultural area include its climate, topography, native vegetation, and soils. Unless otherwise noted, all information and data contained in the sections below are from the petition to establish the proposed Lewis-Clark Valley AVA and to modify the established Columbia Valley AVA.

A small portion of the proposed Lewis-Clark Valley AVA overlaps the southeastern corner of the established Columbia Valley AVA. The proposed Lewis-Clark Valley AVA does not overlap any other established AVA. To eliminate the potential overlap, the petitioner proposed to modify the boundary of the Columbia Valley AVA so that the overlapping area would be solely within the proposed Lewis-Clark Valley AVA. The proposed modifications would reduce the size of the approximately 11,370,320-acre Columbia Valley AVA boundary by approximately 57,020 acres. One vineyard, Arnett Vineyard, currently exists within the area of the proposed boundary modification. The vineyard owners have provided TTB with a letter supporting the establishment of the proposed Lewis-Clark Valley AVA and the proposed modification of the Columbia Valley AVA boundary.

Proposed Lewis-Clark Valley AVA

Name Evidence

The proposed Lewis-Clark Valley AVA derives its name from the two principle towns within the proposed AVA: Lewiston, Idaho, and Clarkston, Washington. The two towns, which face each other across the Snake River, were named in honor of Meriwether Lewis and William Clark, who traveled through the region of the proposed AVA during their famous expedition of 1804–1806. The petition included examples of schools, businesses, and organizations within the proposed AVA that bear the names of Lewis and Clark, including Lewis-Clark State College, Lewis-Clark Terminal at the Port of Clarkston, Lewis-Clark Moose Lodge 75, Lewis-Clark Metropolitan Appliance and TV Repair, Lewis-Clark Credit Union, Lewis-Clark Dental Clinic, and Lewis-Clark Auto Sales.

The petition also included evidence that the region of the proposed AVA is known as the ''Lewis-Clark Valley.'' For example, the Wikipedia entry for ''Clarkston, Washington'' states that the town is located ''in the Lewis-Clark Valley at the confluence of the Snake and Clearwater rivers.'' [1] The Lewis Clark Valley Chamber of Commerce promotes tourism and economic development within the region of the proposed AVA. An organization called Valley Vision has as its mission the ''[c]ontinuous improvement of the Lewis-Clark Valley's business climate * * *.'' [2] The Web site LC Today, which features news and activities in the Lewiston-Clarkston region, offers a listing of ''60 Things To Do in the Lewis-Clark Valley.'' [3] A Web site featuring real estate information for the region of the proposed AVA is called ''Lewis-Clark Valley Homes.'' [4] The telephone directory serving the region of the proposed AVA is called the ''Lewis-Clark Valley Telephone Directory.'' The Lewis-Clark Valley Metropolitan Planning Organization provides transportation project planning for the region. Finally, several organizations within the proposed AVA have the phrase ''Lewis-Clark Valley'' in their names, including the Lewis-Clark Valley Baptist Church, Family Promise of Lewis-Clark Valley, the La Leche League of the Lewis-Clark Valley, and the Boys & Girls Club of the Lewis-Clark Valley.

Boundary Evidence

The proposed Lewis-Clark Valley AVA consists mostly of canyon walls, low plateaus, and bench lands formed by the Snake and Clearwater Rivers. Approximately 98 percent of the proposed AVA's boundary follows the 600-meter elevation line, and all the land within the proposed AVA is below that elevation. The 600-meter elevation line was chosen because grapes do not reliably ripen annually above that elevation and, above that altitude, temperatures fall low enough to kill the varieties of *Vitis vinifera* (*V. vinifera*) grapes that are grown within the proposed AVA. TTB notes that the maps used to draw the proposed boundary show elevations in meters, and the petition describes the elevations within the proposed AVA and the surrounding regions in terms of feet. Six hundred meters corresponds to approximately 1,970 feet.

The regions outside the proposed AVA generally have higher elevations and colder temperatures than the proposed AVA. To the north of the proposed AVA is the high prairie region known as the Palouse. The heavily forested Bitterroot Mountains are located to the east of the proposed AVA boundary. The proposed southern boundary separates the proposed AVA from the Craig Mountains and from Hells Gate State Park, which is not available for commercial viticulture due to its protected status as an Idaho State park. Additionally, the southern boundary was drawn to prevent the proposed AVA from extending into Oregon, which is less than 5 miles from the southernmost proposed AVA boundary but is not considered to be part of the geographical region known as the Lewis-Clark Valley. To the west and southwest of the proposed AVA are the Blue Mountains.

Distinguishing Features

The distinguishing features of the proposed Lewis-Clark Valley AVA include its climate, topography, native vegetation, and soils.

Climate

Temperature: According to the petition, the temperate climate of the proposed Lewis-Clark Valley AVA is well suited for growing wine grapes, especially varieties of *V. vinifera.* The warm temperatures of the proposed AVA have earned the region the nickname ''banana belt of the Pacific Northwest.'' The table below, derived from information submitted in support of the petition, compares the average annual temperature and growing degree days [5] (GDDs) of the proposed Lewis-Clark Valley AVA and the surrounding regions. The data from the two weather stations within the proposed AVA and from the Moscow, Idaho, weather station, approximately 32 miles north of Lewiston, Idaho, was gathered during the period from 2000 to 2009. The data for the Bitterroot, Craig, and Blue

[1] *http://en.wikipedia.org/wiki/Clarkston,_Washington.*

[2] *www.lewis-clarkvalley.org/about/our-mission.*

[3] *www.lctoday.com/tourism/valleyactivities.htm.*

[4] *www.lcvalleyhomes.com.*

[5] As a measurement of heat accumulation during the grape-growing season, one degree day accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, which is the minimum temperature required for grapevine growth. In the Winkler climate classification system, heat accumulation as measured in growing degree days (GDDs) per year defines climatic regions. Climatic region I has less than 2,500 GDDs per year; region II, 2,501 to 3,000; region III, 3,001 to 3,500; region IV, 3,501 to 4,000; and region V, 4,001 or more. See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), 61–64.

Mountains consists of estimates calculated by the petitioner based on elevation, as there are no weather stations located within these regions.

Location (direction from proposed AVA)	Average annual temperature (degrees fahrenheit)	Average growing season GDD accumulation
Lewiston Nez Perce weather station (within)	53.4	3,036
Dworshak Fish Hatchery (within)	51.6	2,613
Moscow, ID (north)	47.6	1,796
Bitterroot Mountains (east)	40	1,000–1,500
Craig Mountains (south)	45	1,500–1,700
Blue Mountains (west, southwest)	42	1,000–1,500

According to the petition, the average annual temperatures and GDD accumulation that the proposed AVA experiences are within the range required for many varieties of wine grapes to ripen reliably, including Cabernet Franc, Cabernet Sauvignon, Grenache, Malbec, Pinot noir, Syrah, Pinot gris, Riesling, and Zinfandel, all of which are grown within the proposed AVA. By contrast, annual temperatures and GDD accumulations that the surrounding regions experience are too cold to support most viticulture, particularly varieties of *V. vinifera,* which require at least 2,000 GDDs to ripen successfully. As evidence, the petition notes that Washington State University in Pullman, located in the Palouse region approximately 30 miles northwest of Lewiston, Washington, has had a vigorous wine grape research program for the past 12 years but has yet to succeed in propagating and maintaining research vineyards due to the cold temperatures.

The petition also included the Cool-Climate Viticulture Suitability Index (CCVSI) statistics that were available from the two weather stations located within the proposed AVA and the station in Moscow, Idaho. The CCVSI is the number of days between the last spring temperature below 29 degrees Fahrenheit and the first fall temperature below 29 degrees Fahrenheit. Within the proposed AVA, the CCVSI for the Lewiston Nez Perce station was 234.2 and the CCVSI for the Dworshak Fish Hatchery was 225.2. By contrast, the CCVSI for the Moscow station was 159.5, which means the region north of the proposed AVA has a growing season that is approximately 2 months shorter than that of the proposed AVA. The significantly shorter growing season in the Palouse region does not allow sufficient time for wine grapes to ripen reliably, particularly the varieties of *V. vinifera* grown within the proposed AVA.

Precipitation: The proposed Lewis-Clark Valley AVA receives less rainfall annually than the surrounding regions. The following table is derived from data submitted in support of the petition and compares the annual precipitation amounts within the proposed AVA to those of the surrounding areas. Precipitation data from the two weather stations within the proposed AVA and from the Moscow, Idaho, station was gathered during 2000 to 2009. The data for the Bitterroot, Craig, and Blue Mountains was calculated using the data mapping system of the PRISM Climate Group at Oregon State University.[6]

Location (direction from proposed AVA)	Annual precipitation amounts (inches)
Lewiston Nez Perce weather station (within)	11.3
Dworshak Fish Hatchery (within)	22.7
Moscow, Idaho (north)	25.1
Bitterroot Mountains (east)	40–70
Craig Mountains (south)	20–35
Blue Mountains (west, southwest)	25–50

The proposed AVA's location to the east of the Blue Mountains is the primary factor behind its low precipitation amounts. The Blue Mountains, which rise to elevations over 6,000 feet, intercept storms carried on the westerly jet stream and prevent them from entering the proposed AVA. Most of the annual precipitation within the proposed AVA occurs between November and May, and the region experiences a prolonged summer drought. One viticultural benefit of summer droughts is that grape growers do not have to be concerned about excessive water damaging the roots of the vines. Although growing season precipitation amounts are very small, the petition states that viticulture is able to thrive within the proposed AVA because the winter rains are sufficient to ''fill the soil profile,'' assuring adequate amounts of soil moisture necessary for bud break and fruit set early in the growing season. By mid-June, the soil is dry enough to induce mild water stress on the vines and slow the growth of canes and leaves, allowing the vines to put their energy into fruit production. Vineyard managers can then control the amount of water added to the soil via drip irrigation, ensuring that the vines receive enough water to survive but not so much as to promote overly vigorous cane or leaf growth or root rot.

Topography

The topography of the proposed Lewis-Clark Valley AVA includes bench lands, low plateaus, and steeply sloping canyon walls. Although the proposed AVA is often referred to as a ''valley'' because its elevations are lower than those of the surrounding regions, the landscape has been cut into such steep and deep V-notched canyons by the Snake and Clearwater Rivers and their tributaries that almost none of the AVA consists of the broad floodplains typically associated with valley floors. According to the petition, the lack of floodplains within the proposed AVA is beneficial to viticulture because floodplains often have high water tables that limit vine root depth. Floodplains are also susceptible to cold-air pooling that can damage new growth and delay fruit maturation.

Elevations within the proposed Lewis-Clark Valley AVA range from approximately 740 feet along the Snake and Clearwater Rivers to approximately 1,970 feet along most of the proposed AVA's boundary. The average elevation within the proposed AVA is 1,200 feet. According to a table included in the

[6] The Parameter-elevation Relationships on Independent Slopes Model (PRISM) climate data mapping system combined climate normals gathered from weather stations, along with other factors such as elevation, longitude, slope angles, and solar aspect to estimate the general climate patterns for the proposed AVA and the surrounding regions. Climate normals are only calculated every 10 years, using 30 years of data, and at the time the petition was submitted, the most recent climate normals available were from the period of 1971–2000.

petition, the vineyards within the proposed AVA are planted at elevations between 815 and 1,850 feet. The petition states that at elevations above approximately 1,970 feet, growing season temperatures are too cold to support reliable ripening of *V. vinifera* and winter freezes can be hard enough to kill dormant vines.

The topography of the surrounding regions is different from that of the proposed Lewis-Clark Valley AVA. To the north, the Palouse is dominated by rounded, gently rolling hills and elevations ranging from approximately 1,000 feet to 2,800 feet, with an average elevation of 2,200 feet. To the east, south, west, and southwest of the proposed AVA are high, rugged mountains cut by deep canyons. Elevations in the Bitterroot Mountains, east of the proposed AVA, range from 3,000 feet to 10,150 feet and average approximately 6,000 feet. To the south, the Craig Mountains range from 2,500 feet to over 5,100 feet and average approximately 3,000 feet. To the west and southwest, the Blue Mountains range from 2,500 feet to over 6,300 feet with an average elevation of approximately 4,000 feet.

Native Vegetation

The native vegetation of the canyon walls, plateaus, terraces, and benches of the proposed Lewis-Clark Valley AVA consists of low shrubs and perennial grasses that have deep masses of fine roots. Although some portions of the eastern half of the proposed AVA are sparsely forested, the understory of the forested regions is covered with perennial grasses. The petition states that the decomposition of the grasses and their roots over the years has contributed to the formation of nutrient-rich soils within the proposed AVA that are high in the organic materials that promote healthy vine growth.

Likewise, to the north of the proposed AVA, the native vegetation of the Palouse consists primarily of perennial grasses. However, most of the native vegetation of the Palouse was cleared in the late 19th and early 20th centuries for large-scale agricultural purposes, such as wheat production, which continue to this day. To the east, south, and west of the proposed AVA, the Bitterroot, Craig, and Blue Mountains are covered with conifer forests. The understories of these conifer forests are typically covered with pine needle litter instead of perennial grasses. The pine needle litter remains on the surface of the soil, unlike the root masses of perennial grasses. Therefore, the organic material released by the decaying pine needle litter does not mix as deeply into the soil as the material released by decaying grass roots. As a result, the soils of the mountainous regions are not as high in organic material and nutrients as the soils within the proposed AVA.

Soils

There are approximately 88 different soil types within the proposed Lewis-Clark Valley AVA. However, approximately 95 percent of the soil types within the proposed AVA belong to the Mollisols soil order. Soils from this order are comprised primarily of decomposed perennial grasses and grass roots and contain a high level of organic matter in the form of humus. The humus accumulates within the soil, rather than just in a layer on top of the soil, due to the decomposition of the dense masses of grass roots. The high levels of organic matter in the soils provide an ample supply of nutrients for vineyards. Most of the cultivated Mollisols soils within the proposed AVA also contain loess, which is comprised of fine-grained particles of nutrient-rich silt that were deposited by wind.

The soils within the proposed AVA are generally thin, having been eroded over the years by the Snake and Clearwater Rivers and their tributaries. As a result, the soils average less than 6 feet in depth before reaching a restrictive subsurface, such as bedrock. The shallowness of the soils limits the depths of roots and prevents overly vigorous cane and leaf development.

According to the petition, the Mollisols soils within the proposed AVA have the highest available water holding capacity (AWC) of any known soil texture class. AWC is the ability of soil to store rainfall and irrigation water. The soils within the proposed AVA can store approximately 2.4 inches of water per foot of soil. In regions that receive high amounts of annual rainfall, soils with high AWC may not be suitable for viticulture because excessive amounts of stored water promote root rot, mildew, and fungal diseases. However, because the proposed AVA has very low annual rainfall amounts and receives most of its rainfall outside the growing season, the amount of water stored in the soil is not excessive and does not pose a risk to the health of the vines.

The soils of the surrounding regions differ from those of the proposed Lewis-Clark Valley AVA. To the north, the soils of the Palouse are also loess-derived Mollisols, but the soils reach depths of up to 12 feet, which is much deeper than the soil depth of the proposed AVA. In the mountainous regions to the east, south, west, and southwest of the proposed AVA, the soils also are deeper than within the proposed AVA. Even though the surrounding mountain slopes are steep, the soils have not eroded like the soils of the proposed AVA because the dense conifer forests have held much of the soil in place. Soils in the regions to the east, south, west, and southwest of the proposed AVA are mostly of the Andisols order and are derived from volcanic ash and other material produced by volcanic eruptions. Unlike the Mollisols of the proposed AVA, Andisols soils contain only small amounts of organic matter because the humus is derived from the decomposition of leaf litter resting on the soil's surface, rather than from masses of grass roots decomposing deep within the soil.

Summary of Distinguishing Features

In summary, the climate, topography, native vegetation, and soils of the proposed Lewis-Clark Valley AVA distinguish it from the surrounding areas. In all directions outside the proposed AVA, the temperatures are cooler, the growing degree day accumulations are smaller, rainfall is higher, and the elevations are higher. The steep canyon walls, plateaus, and bench lands of the proposed AVA are different from the rounded, rolling hills of the Palouse region to the north and the rugged Bitterroot, Craig, and Blue Mountains that surround the proposed AVA to the east, south, and west. Perennial grasses and shrubs are the primary vegetation within the proposed AVA, whereas the majority of the native vegetation to the north of the proposed AVA has been cleared for agricultural purposes, and the regions to the east, south, and west are covered with coniferous forests. Finally, the soils of the proposed Lewis-Clark Valley AVA are thin, loess-derived Mollisols soils, which are shallower than the Mollisols soils of the Palouse region to the north and distinct from the volcanic Andisols soils found to the east, south, and west.

Proposed Modification of the Columbia Valley AVA

As previously noted, the petitioner requested a modification of the boundary of the established Columbia Valley AVA. The Columbia Valley AVA is located in central and eastern Washington and northern Oregon. The proposed Lewis-Clark Valley AVA spans the Idaho-Washington border and, as proposed, would partially overlap the southeastern corner of the Columbia Valley AVA near the communities of Clarkston, Vineland, and Asotin, Washington. The proposed boundary modifications would reduce the size of

the Columbia Valley AVA by approximately 57,020 acres (approximately 0.5 percent) and would eliminate the potential overlap between the proposed AVA and the existing AVA.

If the boundary modification is approved, the area of the potential overlap would be included exclusively within the proposed Lewis-Clark Valley AVA. Wines produced primarily from grapes grown within the removed region would no longer be eligible for labeling with the ''Columbia Valley'' appellation. There is currently one vineyard, Arnett Vineyard, within the region of the proposed boundary modification. The petition included a letter of support from the owners of that vineyard, stating their support for the proposed Columbia Valley AVA boundary modification and the establishment of the proposed Lewis-Clark Valley AVA.

Overview of the Columbia Valley AVA

The 11,370,320-acre Columbia Valley AVA was established by T.D. ATF–190, which was published in the **Federal Register** on November 13, 1984 (49 FR 44897), and codified at 27 CFR 9.74. The Columbia Valley AVA is a large, treeless basin surrounding the Columbia, Snake, and Yakima Rivers in Washington and Oregon. T.D. ATF–190 states that the Columbia Valley AVA has a growing season between 150 and 204 days and annual rainfall of less than 15 inches. The topography of the AVA is characterized by its broadly undulating hills cut by rivers and broken by sloping basaltic uplifts.

T.D. ATF–190 made no comparisons of the Columbia Valley AVA to the area identified in this proposed rule as the Idaho portion of the proposed Lewis-Clark Valley AVA.

Comparison of Distinguishing Features Within the Proposed Realignment Area to the Columbia Valley AVA

The region of the proposed boundary modification is located in the southeastern portion of the Columbia River Valley AVA, along the Snake River and near the towns of Clarkson, Vineland, and Asotin, Washington. The petition emphasizes that the region proposed to be removed from the Columbia Valley AVA (hereinafter referred to as the proposed realignment area) has topography and soils that are more similar to those of the proposed Lewis-Clark AVA than to those of the existing AVA.

The topography of the proposed realignment area is consistent with that of the proposed Lewis-Clark Valley AVA. The average elevation of both the proposed realignment area and the proposed Lewis-Clark Valley AVA is 1,200 feet, which is higher than the Columbia Valley AVA's average elevation of 700 feet. The proposed realignment area, like the proposed Lewis-Clark Valley AVA, consists of steep, V-shaped canyons, low plateaus, and bench lands along the Snake River and its tributaries. By contrast, the majority of the Columbia Valley AVA is a broad basin with a gently rolling surface. The petition notes that the Columbia River Valley AVA contains rugged, canyon-like coulees and broad, flat-floored ''channeled scablands.'' However, the coulees and scablands were created by cataclysmic glacial floods from the ancient Lake Missoula, whereas the canyon of the proposed realignment area and the proposed AVA was carved over time by the flow of the Snake River. The coulees and scablands also are generally shallower and have broad, flat floors, as compared to the deep, steeply-sloped V-shaped canyons and narrow valley floors of the proposed realignment area and the proposed Lewis-Clark Valley AVA.

The soils of the proposed realignment area also are different from the soils of the Columbia Valley AVA. Within the proposed realignment area, most of the soils are from the Mollisols order, as are the soils within the proposed Lewis-Clark Valley AVA. By contrast, approximately 80 percent of Columbia Valley AVA soils are Aridisols and Entisols. Aridisols and Entisols soils generally contain less than 1 percent organic matter, compared to the humus-rich soils of the Mollisols order. Aridisols and Entisols soils also generally have lower water-holding capacities due to their coarse or gravelly textures, whereas the loamy Mollisols soils of both the proposed realignment area and proposed AVA have greater water-holding capacities. Finally, Aridisols and Entisols soils are generally alkaline, compared to the slightly acidic Mollisols soils. Although the petition states that some Mollisols soils exist within the Columbia Valley AVA, they generally occur at high elevations that are too cold to support *V. vinifera.*

In addition to the physical features that distinguish the proposed realignment area from the Columbia Valley AVA and unite it with the proposed Lewis-Clark Valley AVA, the petition included evidence that the proposed realignment area is strongly associated with the name ''Lewis-Clark Valley,'' rather than the ''Columbia Valley'' name. For example, three of the businesses in the ''Name Evidence'' section of this proposed rule (the Lewis-Clark Terminal, Lewis-Clark Credit Union, and Lewis-Clark Dental Clinic) are located within the proposed realignment area. Additionally, all of the organizations listed in the ''Name Evidence'' section serve residents of the proposed AVA as well as the proposed realignment area, further demonstrating that the proposed realignment area is strongly associated with the region known as the Lewis-Clark Valley.

TTB Determination

TTB concludes that the petition to establish the approximately 306,650-acre ''Lewis-Clark Valley'' American viticultural area and to concurrently modify the boundary of the existing Columbia Valley AVA merits consideration and public comment, as invited in this document.

TTB is proposing the establishment of the new viticultural area and the modification of the existing AVA as one action. Accordingly, if TTB establishes the proposed Lewis-Clark Valley AVA, then the proposed boundary modification of the Columbia Valley AVA would be approved concurrently. If TTB does not establish the proposed Lewis-Clark Valley AVA, then the present Columbia Valley AVA boundary would not be modified as proposed in this document.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA and the boundary modification of the established AVA in the proposed regulatory text published at the end of this document.

Maps

The petitioner provided the required maps, and TTB lists them below in the proposed 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. If TTB establishes this proposed viticultural area, its name, ''Lewis-Clark Valley,'' would 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 proposed regulation clarifies this point.

If this proposed regulatory text is adopted as a final rule, wine bottlers using ''Lewis-Clark Valley'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA's full name ''Lewis-Clark Valley'' as an appellation of origin. If approved, the establishment of the proposed Lewis-

Clark Valley AVA and the proposed modification of the Columbia Valley AVA boundary would allow vintners to use ''Lewis-Clark Valley'' as appellations of origin for wines made from grapes grown within the Lewis-Clark Valley AVA, if the wines meet the eligibility requirements for the appellation.

Use of ''Columbia Valley'' as an Appellation of Origin

If the proposed Lewis-Clark Valley AVA and the corresponding modification of the Columbia Valley AVA boundary are approved, bottlers currently using ''Columbia Valley'' as an appellation of origin for wine produced primarily from grapes grown in the area removed from the Columbia Valley AVA would no longer be able to use ''Columbia Valley'' as an appellation of origin, but could use the term ''Lewis-Clark Valley'' in the brand name if otherwise eligible. See the ''Transition Period'' section of this document for more details.

Bottlers currently using ''Columbia Valley'' as an appellation of origin or in a brand name for wine produced from grapes grown within the current, and if modified, Columbia Valley AVA would still be eligible to use the term as an appellation of origin or in a brand name.

Transition Period

If the proposals to establish the Lewis-Clark Valley AVA and to modify the boundary of the Columbia Valley AVA are adopted as a final rule, a transition rule will apply to labels for wines produced from grapes grown in the area removed from the Columbia Valley AVA. A label containing the words ''Columbia Valley'' in the brand name or as an appellation of origin may be used on wine bottled within two years from the effective date of the final rule, provided that such label was approved prior to the effective date of the final rule and that the wine conforms to the standards for use of the label set forth in 27 CFR 4.25 or 4.39(i) in effect prior to the final rule. At the end of this two-year transition period, if a wine is no longer eligible for labeling with the ''Columbia Valley'' AVA name (*e.g.,* it is primarily produced from grapes grown in the area removed from the Columbia Valley AVA), then a label containing the words ''Columbia Valley'' in the brand name or as an appellation of origin would not be permitted on the bottle. TTB believes that the two-year period should provide affected label holders with adequate time to use up any existing labels. This transition period is described in the proposed regulatory text for the Columbia Valley AVA published at the end of this notice.

TTB notes that wine eligible for labeling with the ''Columbia Valley'' AVA name under the proposed new boundary of the Columbia Valley AVA will not be affected by this two-year transition period. Furthermore, if TTB does not approve the proposed boundary modification, then all wine label holders currently eligible to use the ''Columbia Valley'' AVA name would be allowed to continue to use their labels as originally approved.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether TTB should establish the proposed Lewis-Clark Valley AVA and concurrently modify the boundary of the established Columbia Valley AVA. TTB is interested in receiving comments on the sufficiency and accuracy of the name, boundary, climate, topography, soils, and other required information submitted in support of the Lewis-Clark Valley AVA petition. Please provide any available specific information in support of your comments.

TTB also invites comments on the proposed modification of the existing Columbia Valley AVA. TTB is especially interested in comments on whether the evidence provided sufficiently differentiates the proposed realignment area from the existing Columbia Valley AVA. Comments should address the name usage, boundaries, climate, topography, soils, and any other pertinent information that supports or opposes the proposed boundary modification.

Because of the potential impact of the establishment of the proposed Lewis-Clark Valley AVA on wine labels that include the term ''Lewis-Clark Valley,'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed area name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB also is interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this proposal by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this document within Docket No. TTB–2015–0005 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 149 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab at the top of the page.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this document. Your comments must reference Notice No. 149 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. We do not acknowledge receipt of comments, and we consider all comments as originals.

Your comment must clearly state if you are commenting on your own behalf or on behalf of an organization, business, or other entity. If you are commenting on behalf of an organization, business, or other entity, your comment must include the entity's name, as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail, please submit your entity's comment on letterhead.

You also may write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record

and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this document, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2015–0005 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 149. You also may reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab at the top of the page.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that it considers unsuitable for posting.

You also may view copies of this document, all related petitions, maps and other supporting materials, and any electronic or mailed comments we receive about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You also may obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact our information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area 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 proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, it requires no regulatory assessment.

Drafting Information

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

List of Subjects in 27 CFR Part 9

Wine.

For the reasons discussed in the preamble, we propose to amend 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. Amend § 9.74 by revising paragraph (b) and paragraphs (c)(38) through (c)(40) and by adding paragraph (d) to read as follows:

§ 9.74 Columbia Valley.

* * * * *

(b) *Approved maps.* The approved maps for determining the boundary of the Columbia Valley viticultural area are nine 1:250,000 scale U.S.G.S. maps and one 1:100,000 (metric) scale U.S.G.S. map. They are entitled:

(1) Concrete, Washington, U.S.; British Columbia, Canada, edition of 1955, limited revision 1963;

(2) Okanogan, Washington, edition of 1954, limited revision 1963;

(3) Pendleton, Oregon, Washington, edition of 1954, revised 1973;

(4) Pullman, Washington, Idaho, edition of 1953, revised 1974;

(5) Clarkston, Washington, Idaho, Oregon, 1:100,000 (metric) scale, edition of 1981;

(6) Ritzville, Washington, edition of 1953, limited revision 1965;

(7) The Dales, Oregon, Washington, edition of 1953, revised 1971;

(8) Walla Walla, Washington, Oregon, edition of 1953, limited revision 1963;

(9) Wenatchee, Washington, edition of 1957, revised 1971; and

(10) Yakima, Washington, edition of 1958, revised 1971.

(c) * * *

(38) Then south following the Washington–Idaho State boundary on the 1:100,000 (metric) scale Clarkston, Washington, Idaho, Oregon map to the 600-meter elevation contour along the eastern boundary of section 9, R. 46 E./T. 11 N.; and then generally west following the meandering 600-meter contour to the eastern boundary of section 17, R. 45E./T. 11N.; then south following the eastern boundary of section 17 to the southern boundary of section 17; and then west following the southern boundaries of sections 17 and 18 to the Asotin–Garfield county line in section 19, R. 45E./T. 11N.;

(39) Then south following the Garfield–Asotin county line to the 600-meter elevation contour; then following generally west and south in a counterclockwise direction along the meandering 600-meter elevation contour to Charley Creek in section 4, R. 44 E./T. 9 N.; and then west following Charley Creek on to the township line between R. 42 E. and R. 43 E.;

(40) Then north following the township line between R. 42 E. and R. 43 E. on the 1:250,000 scale ''Pullman, Washington, Idaho'' map to Washington Highway 128 at Peola;

* * * * *

(d) *Transition period.* A label containing the words ''Columbia Valley'' in the brand name or as an appellation of origin approved prior to [*EFFECTIVE DATE OF THE FINAL RULE*] may be used on wine bottled before [*DATE 2 YEARS FROM EFFECTIVE DATE OF THE FINAL RULE*] if the wine conforms to the standards for use of the label set forth in § 4.25 or § 4.39(i) of this chapter in effect prior to [*EFFECTIVE DATE OF THE FINAL RULE*].

■ 3. Add § 9.___ to read as follows:

§ 9.___ Lewis-Clark Valley.

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

(b) *Approved maps.* The three United States Geographical Survey (USGS) 1:100,000 (metric) scale topographic maps used to determine the boundary of the Lewis-Clark Valley viticultural area are titled:

(1) Clarkston, Wash.–Idaho–Oregon, 1981;

(2) Orofino, Idaho–Washington, 1981; and

(3) Potlatch, Idaho, 1981.

(c) *Boundary.* The Lewis-Clark Valley viticultural area is located in Nez Perce, Lewis, Clearwater, and Latah Counties, Idaho, and Asotin, Garfield, and Whitman Counties, Washington. The boundary of the Lewis-Clark Valley viticultural area is as follows:

(1) The beginning point is located on the Clarkston map in Washington State along the Garfield–Asotin County line at the southwest corner of section 18, T11N/R45E. From the beginning point, proceed east along the southern

boundary line of section 18, crossing over the Snake River, and continue along the southern boundary line of section 17, T11N/R45E, to the southeast corner of section 17; then

(2) Proceed north along the eastern boundary line of section 17 to the 600-meter elevation contour; then

(3) Proceed generally east-northeast along the meandering 600-meter elevation contour, crossing into Idaho and onto the Orofino map, then continue to follow the elevation contour in an overall clockwise direction, crossing back and forth between the Orofino and Clarkston maps and finally onto the Potlatch map, and then continuing to follow the 600-meter elevation contour in a clockwise direction to the elevation contour's intersection with the southern boundary line of section 1, T37N/R1W, on the Potlatch map, north of the Nez Perce Indian Reservation boundary and west of the Dworshak Reservoir (North Fork of the Clearwater River) in Clearwater County, Idaho; then

(4) Cross the Dworshak Reservoir (North Fork of the Clearwater River) by proceeding east along the southern boundary line of section 1, T37N/R1E, to the southeastern corner of section 1; then by proceeding north along the eastern boundary line of section 1 to the southwest corner of section 6, T37N/R2E; and then by proceeding east along the southern boundary line of section 6 to the 600-meter elevation contour; then

(5) Proceed generally east initially, then generally south, and then generally southeast along the meandering 600-meter elevation contour, crossing onto the Orofino map, and then continuing to follow the elevation contour in an overall clockwise direction, crossing back and forth between the Orofino and Potlatch maps, to the eastern boundary of section 13, T35N/R2E, on the Orofino map in Clearwater County, Idaho; then

(6) Proceed south along the eastern boundary of section 13, T35N/R2E, to the southeastern corner of section 13, T35N/R2E, northeast of Lolo Creek; then

(7) Proceed west along the southern boundary line of section 13, T35N/R2E, to the Clearwater–Idaho County line in the middle of Lolo Creek; then

(8) Proceed generally west-northwest along the Clearwater–Idaho County line (concurrent with Lolo Creek) to the Lewis County line at the confluence of Lolo Creek and the Clearwater River; then

(9) Proceed generally south along the Lewis–Idaho County line (concurrent with the Clearwater River) to the northern boundary line of section 23, T35N/R2E; then

(10) Proceed west along the northern boundary line of section 23, T35N/R2E, to the 600-meter elevation contour; then

(11) Proceed generally northwest along the meandering 600-meter elevation contour, crossing onto the Potlatch map and then back onto the Orofino map and continuing generally southwest along the 600-meter elevation contour to the common T32N/T31N township boundary line along the southern boundary line of section 35, T32N/R5W, south of Chimney Creek (a tributary of the Snake River) in Nez Perce County, Idaho; then

(12) Proceed west along the common T32N/T31N township boundary line, crossing Chimney Creek, to the Idaho–Washington State line (concurrent with the Nez Perce–Asotin County line) at the center of the Snake River; then

(13) Proceed generally southeast along the Idaho–Washington State line in the Snake River to the northern boundary line of section 29, T31N/R5W; then

(14) Proceed west along the northern boundary line of section 29, T31N/R5W, to the 600-meter elevation contour, northeast of Lime Hill in Asotin County, Washington; then

(15) Proceed generally west and then generally south-southwest along the meandering 600-meter elevation contour to the southern boundary line of section 25, T7N/R46E; then

(16) Proceed west along the southern boundary lines of section 25 and 26, crossing onto the Clarkston map, and continuing along the southern boundary lines of section 26 to the 600-meter elevation contour west of Joseph Creek; then

(17) Proceed southeast along the meandering 600-meter elevation contour to the western boundary line of section 34, T7N/R46E; then

(18) Proceed north along the western boundary lines of sections 34 and 27, T7N/R46E, crossing over the Grande Ronde River, to the 600-meter elevation contour; then

(19) Proceed generally northeast along the meandering 600-meter elevation contour and continue along the 600-meter elevation contour in a clockwise direction, crossing back and forth between the Clarkston and Orofino maps, until, on the Clarkston map, the 600-meter elevation line intersects the Garfield–Asotin County line for the third time along the western boundary of section 19, T11N/R45E; and then

(20) Proceed north along the Garfield–Asotin County line, returning to the beginning point.

Signed: April 7, 2015.

John J. Manfreda,

Administrator.

[FR Doc. 2015–08501 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0006; Notice No. 150]

RIN 1513–AC18

Proposed Establishment of the Eagle Foothills Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 49,815-acre ''Eagle Foothills'' viticultural area in Gem and Ada Counties in Idaho. The proposed viticultural area lies entirely within the Snake River Valley 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. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by June 15, 2015.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2015–0006 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

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 the 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 viticultural AVA;
- 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.

Eagle Foothills Petition

TTB received a petition from Martha Cunningham, owner of the 3 Horse Ranch Vineyards, on behalf of the local grape growers and vintners, proposing the establishment of the ''Eagle Foothills'' AVA. The original proposed name for the AVA was ''Willow Creek Idaho.'' However, after TTB determined that the name evidence provided in the petition did not sufficiently demonstrate that the region is known by that name, the petitioner submitted a request to change the proposed AVA name to ''Eagle Foothills.''

The proposed Eagle Foothills AVA covers portions of Gem and Ada Counties, Idaho, and is located to the immediate north of the city of Eagle and approximately 10 miles northwest of the city of Boise. The proposed AVA lies entirely within the established Snake River Valley AVA (27 CFR 9.208) and does not overlap any other existing or proposed AVA. The proposed Eagle Foothills AVA contains approximately 49,815 acres, with 9 commercially-producing vineyards covering a total of 67 acres distributed throughout the proposed AVA. The petition states that an additional 4 acres will soon be added to an existing vineyard. Additionally, 7 commercial vineyards covering approximately 472 acres are planned within the proposed AVA in the next few years.

According to the petition, the distinguishing features of the proposed Eagle Foothills AVA include its topography, soils, and climate. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Eagle Foothills AVA and its supporting exhibits.

Name Evidence

The proposed Eagle Foothills AVA is located on the southwestern flanks of Prospect Peak and Crown Point, two prominent peaks in the mountainous region known as the ''Boise Front,'' which rises to the east of the proposed AVA. Due to its location north of the city of Eagle and within the foothills of the Boise Front, the region of the proposed AVA is commonly referred to as the ''Eagle Foothills.''

The petitioner provided several examples of the use of ''Eagle Foothills'' to refer to the region of the proposed AVA. For example, a local ranch offers several guided horseback tours, including one through the ''Eagle Foothills.'' [1] A Web site dedicated to hiking in Idaho features the ''Eagle Foothills Little Gulch Loop'' trail, which is located within the proposed AVA.[2] A news story from a local television station described a wildfire within the proposed AVA, which destroyed several houses in ''the Eagle Foothills.'' [3] A Web site dedicated to news and reviews of wines from the northwestern United States features a story about 3 Horse Ranch Vineyards, which is located within the proposed AVA, and refers to the vineyard and winery as being located ''in the Eagle Foothills north of Boise.'' [4] The Ada County Highway District Web site includes a page about transportation projects ''in and around the Eagle Foothills,'' including funding to improve State Highway 16, which runs through the proposed AVA.[5] A real estate listing for a home for sale within the proposed AVA, describes the home as being ''close to the Eagle Foothills

[1] *www.sweetpepperranch.com/local-attractions/riding-destinations/eagle-foothills.*

[2] *www.trimbleoutdoors.com/ViewTrip/1709698.*

[3] *www.ktvb.com/story/local/2014/07/16/11528375.*

[4] Eric Degerman. ''Idaho's high-elevation Pinot Gris produces awards, fans.'' Great Northwest Wine, June 11, 2013. *www.greatnorthwestwine.com/2013/06/11.*

[5] *www.achdidaho.org/projects/PublicProject.aspx?ProjectID=124.*

equestrian trails.'' [6] Finally, a planned community being developed within a portion of the proposed AVA is described as covering ''land running . . . along the Eagle Foothills.'' [7]

Boundary Evidence

The northern boundary of the proposed Eagle Foothills AVA follows straight lines drawn between peaks marked on the USGS Southwest Emmett and Southeast Emmett quadrangle maps. The boundary separates the rugged terrain of the proposed AVA from the lower, flatter elevations of Emmett Valley and the Payette River Plain. The proposed eastern boundary follows the 3,400-foot elevation contour and lines drawn between peaks on the USGS Pearl and Eagle quadrangle maps to approximate the eastern boundary of the established Snake River Valley AVA. TTB notes that the proposed boundary is only an approximation of the Snake River Valley AVA because the established AVA's boundaries were drawn using maps that measure elevations in meters instead of feet. The proposed eastern boundary separates the proposed AVA from the higher elevations of the Boise Front, including Prospect Peak and Crown Point. The proposed southern boundary follows roads marked on the USGS Eagle, Star, and Middleton quadrangle maps in order to separate the proposed AVA from the lower elevations and urban landscape of the cities of Eagle and Boise. The proposed western boundary follows the Ada–Canyon County line and separates the proposed AVA from the lower elevations and flatter terrain of the Boise River Plain.

Distinguishing Features

The distinguishing features of the proposed Eagle Foothills AVA include its topography, soils, and climate.

Topography

According to the petition, the proposed Eagle Foothills AVA is located within the Unwooded Alkaline Foothills ecoregion of Idaho.[8] This ecoregion is defined as an arid, sparsely populated region of rolling foothills, benches, and alluvial fans commonly underlain by alkaline lake bed deposits. Perennial streams are rare, but limited agriculture occurs where there is water available for irrigation. Most of the landscape is used for grazing livestock or as wildlife habitat.

A network of seasonal creeks, including Willow Creek, Big Gulch Creek, Little Gulch Creek, Woods Gulch, and their tributaries, flow southwesterly through the proposed AVA and have etched deep gulches. The rugged terrain has a variety of slope aspects, including a multitude of south-facing slopes that are preferred by vineyard owners. Slope angles vary within the proposed AVA from 2 to 15 degrees, with an average of 8 degrees. Elevations within the proposed AVA range from 2,490 feet to approximately 3,400 feet, with an average elevation of approximately 2,900 feet.

The topography of the proposed Eagle Foothills AVA is distinguishable from that of the surrounding regions. To the north of the proposed AVA is Emmett Valley and the Payette River Plain, which are classified within the Treasure Valley ecoregion of Idaho. The Treasure Valley ecoregion is described as being heavily irrigated for agricultural purposes and having a much greater population density than the Unwooded Alkaline Foothills ecoregion in which the proposed AVA is located.[9] Elevations in Emmett Valley and the Payette River Plain are lower and flatter than within the proposed AVA. To the east of the proposed AVA is the mountainous region known as the Boise Front, which has higher elevations than the proposed AVA. Crown Point and Prospect Peak, the two peaks in the Boise Front that are closest to the proposed AVA, reach 5,163 feet and 4,867 feet, respectively. To the south and west of the proposed AVA is the Boise River Plain, which has lower elevations and is classified as a continuation of the Treasure Valley ecoregion. Slope angles are shallow in the Boise River Plain, averaging less than 2 percent. The region to the south of the proposed AVA is also heavily urbanized and contains the cities of Boise and Eagle, in contrast with the relatively undeveloped proposed AVA.

The topography of the proposed Eagle Foothills AVA has an effect on viticulture. For example, the elevations within the proposed AVA are higher than the elevations in the regions to the north, west and south, so cold air drains away from the proposed AVA and pools in the neighboring plains and valleys. As a result, damaging frosts are not as common within the proposed AVA as they are in the lower surrounding regions. Additionally, the abundance of south-facing slopes within the proposed AVA allows vineyards to be planted where the vines can receive the most sunlight. According to the petition, a vineyard on a south-facing slope with a 10 percent slope angle can receive 25 percent more sunlight than a vineyard planted on a flat site.

Soils

Loams, sandy loams, coarse sandy loams, and stony loams are the predominate soils of the proposed Eagle Foothills AVA. These soils derived from the erosion of the sedimentary bedrock that once formed the bottom of the ancient Lake Idaho, as well as from the erosion of the granitic mountains of the Boise Front. Small amounts of volcanic ash are present in the soils, and levels of organic matter are low. The soils are notable for their large, irregularly shaped, coarse grains, which allow water to drain quickly and thoroughly and contribute to a relatively low water-holding capacity. Depth to bedrock ranges from 25 to 50 inches, and pH levels range from mildly acidic (6.75) to mildly alkaline (7.25).

The soils of the surrounding regions are distinguishable from the soils of the proposed AVA. To the north and south of the proposed AVA, the soils are primarily derived from active flood-plain alluvium from the Payette and Boise River systems, respectively. These soils have a finer, more uniform texture and greater water-holding capacity than the coarser, larger-grained soils of the proposed Eagle Foothills AVA. To the east, the soils in the mountains of the Boise Front are derived primarily from granite and volcanic materials and lack the sedimentary materials found in the soils of the proposed AVA. To the west of the proposed AVA, the soils become increasingly fine-grained and the depth to bedrock increases due to greater wind-blown and alluvial deposition. According to the petition, soils to the west of the proposed AVA can reach depths of 150 inches or more.

The soils of the proposed Eagle Foothills AVA have an effect on viticulture. The large, coarse, irregularly shaped grains found in most of the soils of the proposed AVA do not fit together tightly, allowing for ''pockets'' of oxygen to form between the grains. These ''pockets'' promote healthy root growth because if a soil is too compacted, the roots can essentially suffocate and die from lack of oxygen. The spaces between soil grains also discourage rot and mildew because they allow water to drain more rapidly than finer, uniform soil grains that are more closely packed together. The depth of the soil within the proposed AVA allows roots to reach depths that are deep enough to not be overly sensitive

[6] *www.brechtproperties.com/Property/3175-W-Homer-Road-Eagle-Idaho.*

[7] *www.m3companiesllc.com/communities/m3eagle.*

[8] C.L. McGrath, *Ecoregions of Idaho* (Reston, VA: U.S. Geological Survey, 2002).

[9] *Ibid.*

to changes in soil moisture level, but the soils are not so deep as to encourage overly vigorous vine growth. Finally, the pH levels of the soils are neutral enough to promote the optimal absorption of necessary mineral nutrients such as zinc and iron.

Climate

The petition provided information to show that the climate of the proposed Eagle Foothills AVA is distinguishable from that of the surrounding regions. The following table from the petition summarizes the annual precipitation amounts, average growing season temperature, growing degree day (GDD) accumulation [10], last spring and first fall frost dates, and length of the frost-free period for the proposed AVA and the surrounding regions [11]. Because there are no weather stations located within the proposed AVA, the petitioner used the PRISM climate model [12] to estimate the temperature and precipitation data for the proposed AVA.

Variable	Proposed Eagle Foothills AVA	Caldwell (southwest of proposed AVA)	Emmett (north of proposed AVA)	Nampa (southwest of proposed AVA)	Boise–"7 N" Station (east of proposed AVA)	Boise–Air Terminal Station (southeast of proposed AVA)
Average annual precipitation (inches).	14.3	11.4	13.8	10.9	19.2	11.7.
Average annual GDD accumulation.	2,418	2,939	2,728	2,695	2,299	2,930.
Average date of last spring frost	May 12	April 24	May 6	May 5	May 24	May 10.
Average date of first fall frost	October 3	October 7	October 7	October 11	October 5	October 6.
Average annual frost-free period (days).	144	165	153	160	133	149.

The proposed Eagle Foothills AVA has a cool climate, as evidenced by the short growing season and low GDD accumulations. The cool climate of the proposed AVA places it in Region 1b of the Winkler classification system, meaning that early- and mid-season varieties of grapes, such as Chardonnay, Pinot Gris, and Riesling, can successfully grow and ripen. Additionally, the cool temperatures of the proposed AVA produce grapes with lower acidity levels than the same grape varietals grown in warmer climates. Finally, the rainfall amounts within the proposed AVA are sufficient to promote healthy vine growth but also are low enough to produce small berries with concentrated flavors that are not diluted by an excess of water.

The climate of the proposed Eagle Foothills AVA is different from that of the surrounding region. The higher elevations to the east, where the Boise ''7N'' weather station is located, have higher precipitation amounts, a shorter growing season, and lower GDD accumulations (indicating cooler growing season temperatures) that would not allow most varieties of grapes to ripen reliably. The Caldwell, Emmett, Nampa, and Boise Air Terminal weather stations, all of which are at lower elevations than the proposed AVA, have lower precipitation amounts, a longer growing season, and higher GDD accumulations (indicating warmer growing season temperatures). Based on the GDD accumulations, these lower plains regions are classified as Region II areas in the Winkler classification system.

Summary of Distinguishing Features

In summary, the topography, soils, and climate of the proposed Eagle Foothills AVA distinguish it from the surrounding regions. The following table, derived from information in the petition, compares the features of the proposed AVA to the features of the surrounding areas.

Region	Characteristics
Proposed Eagle Foothills AVA.	Rugged terrain; moderate elevations; low GDD accumulations; short growing season; moderate annual rainfall amounts; rapidly-draining coarse-grained soils derived from sedimentary bedrock.
North, South, and West of proposed AVA.	Flat valley terrain; low elevations; low annual rainfall amounts; high GDD accumulations; long growing season; slow draining, fine-grained soils derived from alluvium.
East of proposed AVA	Mountainous terrain; very high elevations; very low GDD accumulations; very short growing season; high annual rainfall amounts; soils derived from granite and volcanic material.

Comparison of the Proposed Eagle Foothills AVA to the Existing Snake River Valley AVA

Snake River Valley AVA

T.D. TTB–59, which published in the **Federal Register** on March 9, 2007 (72 FR 10598), established the Snake River Valley AVA in portions of southeastern Oregon and southwestern Idaho. The AVA covers the remains of the ancient Lake Idaho, which filled the western part of the Snake River Valley approximately 4 million years ago. Much of the AVA boundary follows the 1,040-meter elevation contour because conditions above that elevation are not conducive to viticulture. The Snake River Valley AVA is described in T.D. TTB–59 as a semiarid desert with annual rainfall amounts of 10 to 12

[10] In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual growing degree days (GDD), defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth (''General Viticulture,'' by Albert J. Winkler, University of California Press, 1974, pages 61–64).

[11] Data for the listed weather stations gathered from the Western Regional Climate Center, *www.wrcc.dri.edu.*

[12] The Parameter Elevation Regression on Independent Slopes Model (PRISM) climate data mapping system combined climate normals gathered from weather stations, along with other factors such as elevation, longitude, slope angles, and solar aspect to estimate the general climate patterns for the proposed AVA and the surrounding regions. Climate normals are only calculated every 10 years, using 30 years of data, and at the time the petition was submitted, the most recent climate normals available were from the period of 1971–2000.

inches and as having a frost-free period from May 10 to September 29. Vineyards within the AVA are typically planted in shallow soils on slopes.

The proposed Eagle Foothills AVA is located along the eastern edge of the Snake River Valley AVA and shares some broad characteristics with the established AVA. The proposed AVA is also located within the remains of ancient Lake Idaho at elevations below 1,040 meters (approximately 3,412 feet). Like much of the Snake River Valley AVA, the proposed Eagle Foothills AVA is a semiarid region with vineyards planted on slopes to maximize sunlight exposure and minimize the risk of frost. However, the proposed viticultural area receives several more inches of rainfall annually, in comparison with the majority of the Snake River Valley AVA. Additionally, the growing season for the proposed Eagle Foothills AVA is slightly longer. Finally, although T.D. TTB–59 states that the soils within the large Snake River Valley AVA are too varied to be a distinguishing feature, the much smaller proposed Eagle Foothills AVA has fairly uniform soil characteristics throughout, and the soils of the proposed AVA can be distinguished from the soils of the surrounding regions.

TTB Determination

TTB concludes that the petition to establish the approximately 49,815-acre Eagle Foothills AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed 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 or other term identified as being viticulturally significance in part 9 of the TTB regulations, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or other term, 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 or other viticulturally significant term and that name or term 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 or other viticulturally significant term 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 or other viticulturally significant term that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Eagle Foothills,'' 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 proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Eagle Foothills'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Eagle Foothills AVA would not affect any existing AVA, and any bottlers using ''Snake River Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Snake River Valley would not be affected by the establishment of this new AVA. The establishment of the proposed Eagle Foothills AVA would allow vintners to use ''Eagle Foothills'' and ''Snake River Valley'' as appellations of origin for wines made from grapes grown within the proposed Eagle Foothills AVA, if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Eagle Foothills AVA's location within the existing Snake River Valley AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing Snake River Valley AVA. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Snake River Valley AVA that the proposed Eagle Foothills AVA should no longer be part of that AVA. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Eagle Foothills AVA on wine labels that include the term ''Eagle Foothills'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2015–0006 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 150 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 150 and include your name and mailing address. Your comments also

must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2015–0006 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 150. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area 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 proposed 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 notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend 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.___ to read as follows:

§ 9. Eagle Foothills.

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

(b) *Approved maps.* The 6 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Eagle Foothills viticultural area are titled:

(1) Southwest Emmett, Idaho, 1970;

(2) Southeast Emmett, Idaho, provisional edition 1985;

(3) Pearl, Idaho, provisional edition 1985;

(4) Eagle, Idaho, 1998;

(5) Star, Idaho, 1953; and

(6) Middleton, Idaho, 1958; photorevised 1971.

(c) *Boundary.* The Eagle Foothills viticultural area is located in Gem and Ada Counties in Idaho. The boundary of the Eagle Foothills viticultural area is as described below:

(1) The beginning point is on the Southwest Emmett map at the intersection of the Ada, Gem, and Canyon County lines at the southwestern corner of section 31, T6N/R1W.

(2) From the beginning point, proceed north along the western boundary of sections 31 and 30 to the northwest corner of section 31, T6N/R1W; then

(3) Proceed north-northeast in a straight line to the marked 3,109-foot elevation point near the southwest corner of section 31, T6N/R1W; then

(4) Proceed northeast in a straight line, crossing onto the Southeast Emmett map, to the marked 3,230-foot elevation point in section 22, T6N/R1W; then

(5) Proceed east-northeast in a straight line to the marked 3,258-foot elevation point in section 23, T6N/R1W; then

(6) Proceed easterly in a straight line to the 3,493-foot elevation point in section 23, T6N/R1W; then

(7) Proceed northeast in a straight line to the 3,481-foot elevation point in section 13, T6N/R1W; then

(8) Proceed northeast in a straight line to the intersection of the marked 4-wheel drive trail with the R1W range line; then

(9) Proceed north along the R1W range line to its first intersection with the 3,400-foor elevation contour; then

(10) Proceed east along the meandering 3,400-foot elevation contour, crossing onto the Pearl map, then continuing easterly, then southerly, along the meandering 3,400-foot elevation contour, crossing Schiller Creek, the North and South Forks of Willow Creek, and Big Gulch Creek, to the first intersection of the 3,400-foot contour line with the R1E/R2E range line, with forms the eastern boundary of section 13, T5N/R1E; then

(11) Proceed southeast in a straight line to the marked 3,613-foot elevation in point Section 18, T5N/R2E; then

(12) Proceed southwest in a straight line to the marked 3,426-foot elevation point in Section 24, T5N/R1E; then

(13) Proceed west in a straight line to the marked 3,416-foot elevation point in Section 24, T5N/R1E; then

(14) Proceed west in a straight line to the marked 3,119-foot elevation point in Section 23, T5N/R1E; then

(15) Proceed south in a straight line to the marked 3,366-foot elevation point in Section 23, T5N/R1E; then

(16) Proceed southwest in a straight line, crossing onto the Eagle map, to the marked 3,372-foot elevation point in Section 26, T5N/R1E; then

(17) Proceed northwest in a straight line, crossing back onto the Pearl map, to the marked 3,228-foot elevation point in Section 22, T5N/R1E; then

(18) Proceed southwest in a straight line to the marked 3,205-foot elevation point in Section 22, T5N/R1E; then

(19) Proceed south in a straight line, crossing onto the Eagle map, to the marked 3,163-foot elevation point in Section 27, T5N/R1E; then

(20) Proceed southwest in a straight line to the marked 2,958-foot elevation point in Section 28, T5N/R1E; then

(21) Proceed southwest in a straight line to the northeast corner of section 32, T5N/R1E; then

(22) Proceed south along the eastern boundary of Section 32 to the point where the boundary joins Pearl Road, then continue south along Pearl Road to the intersection of the road with Beacon Road; then

(23) Proceed west along Beacon Road, crossing onto the Star map, to the intersection of Beacon Road with an unnamed light-duty road known locally as North Wing Road at the southern boundary of section 32, T5N/R1W; then

(24) Proceed south along North Wing Road to the intersection of the road with New Hope Road in Section 5, T4N/R1W; then

(25) Proceed west along New Hope Road, crossing onto the Middleton map, to the intersection of the road with the Ada-Canyon County line; then

(26) Proceed north along the Ada-Canyon County line, crossing onto the Southwest Emmett map, to the beginning point.

Signed: April 7, 2015.

John J. Manfreda,

Administrator.

[FR Doc. 2015–08496 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–31–P

POSTAL SERVICE

39 CFR Part 111

Standards Governing the Design of Curbside Mailboxes

AGENCY: Postal Service™.

ACTION: Notice of proposed revision of standards; invitation to comment.

SUMMARY: The Postal Service proposes to replace USPS STD 7B, which governs the design of curbside mailboxes, with new USPS STD 7C. The proposed new STD 7C was developed internally to meet the operational requirements of the Postal Service.

DATES: The Postal Service must receive written comments on or before June 15, 2015.

ADDRESSES: Comments regarding this proposal are invited. Written comments should be mailed to U.S. Postal Service, Delivery Operations ATTN: Ashlea Meyer, 475 L'Enfant Plaza, Room 7142, Washington, DC 20260–7142. Copies of all written comments will be available for public inspection and copying between 9:00 a.m. and 4:00 p.m., Monday through Friday, at the address above.

FOR FURTHER INFORMATION CONTACT: Ashlea Meyer, (202) 268–7256.

SUPPLEMENTARY INFORMATION:

Overview

U.S. Postal Service Standard, Mailboxes, City and Rural Curbside, USPS STD 7B, governs the design of curbside mailboxes. Pursuant to the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) 508.3.2.1, USPS STD 7B applies to mailboxes manufactured to be erected at the edge of a roadway or curbside of a street and to be served by a carrier from a vehicle on any city route, rural route, or highway contract route. Copies of current STD 7B, or other information about the manufacture of curbside boxes may be obtained from USPS Engineering, 8403 Lee Highway, Merrifield, VA 22082–8101 (see DMM 608.8.0). The current standard, effective February 8, 2001, (66 FR 9509–9522) prescribes designs that in several respects are no longer ideal for the operational requirements of the Postal Service.

As discussed in more detail below, the Postal Service is proposing that the design and performance requirements for *new* versions of both locking and non-locking curbside mailboxes be included in the proposed USPS STD 7C. These new design options would be able to accommodate the insertion and removal of a new minimum-sized mail item 7 inches high by 13 inches wide by 16 inches deep. We believe that instituting these mailbox design options would allow for improvement in the Postal Service's capacity for this mode of delivery as vendors choose to produce these curbside mailboxes, and should the mailboxes come into widespread use.

The addition of these new design options does not impact the continued approval status of any current USPS STD 7B mailbox.

Specific New Design Options Proposed in New USPS STD 7C

Options incorporated in the proposed new standard USPS STD 7C include the following:

1. Introduces for a new version of locked and non-locked mailbox designs the requirement to accommodate the insertion and removal of a test gauge measuring 7 inches high by 13 inches wide by 16 inches deep. This test gauge is the most significant proposed change for the new mailbox designs. The proposed minimum size requirement will allow for a much higher delivery rate in the current mail stream.

2. Adds new Figures 1B and 3 for the new enhanced capacity non-locked and locked mailbox design options. These figures provide overall design parameters for the two new mailbox design options and the figures are not mandatory design templates.

3. Introduces, *for the new locked mailbox designs only,* the requirement to pass a 3-minute physical security test of the customer access door (using a specified set of pry tools) and a 3-minute manual test to ensure that no mail item can be removed through the front carrier access door. The Postal Service sees value in establishing a USPS-performed test requirement for this new locked curbside mailbox design option. Any product validated to meet this requirement would provide a specified level of security that would be adequate to thwart quick-strike attacks.

4. Reaffirms the prohibition of any style of locks, locking devices, or inserts that require the carrier to use a key or restrict or reduce the interior opening of the mailbox, once the front door has been fully opened for *any* approved non-locked curbside mailbox. ''No mail service'' will continue to be the Postal Service's policy for any approved non-locked curbside mailbox that has been internally modified with any of these unapproved add-on products. To assure the effectiveness of the new minimum parcel capacity requirement under USPS STD 7C, internal obstructions that prevent this requirement from being met will result in a suspension of service when the situation is identified.

5. Introduces minimal door catch and signal flag force tests to ensure those components meet prescribed limits.

6. Updates the provisions in Sections 6, *Application Requirements* and 7, *Approval or Disapproval.* The

Application Requirements include a new requirement establishing a 180-day time limit for the submission of a mailbox for security testing, if applicable, and final review after the manufacturer has received approval of a design upon preliminary review. Failure to meet this deadline will cause the preliminary review approval to be rescinded.

7. Removes the incorporation by reference of certain documents of the American Society of Quality and replaces the current quality-related provisions in 3.1 through 3.1.4 of USPS STD 7B with updated quality requirements in new Section 5, *Quality Management System Provisions.*

8. Introduces requirements for use of both USPS and third-party intellectual property. Manufacturers agree not to use USPS marks without USPS approval and a license from the USPS. Manufacturers also have sole responsibility for acquiring all necessary licenses for third-party intellectual property used. All liability rests with the manufacturer for use of third-party intellectual property regarding any USPS approved mailboxes.

Re-Approval of Manufacturers' Curbside Mailboxes

The changes proposed by the new USPS STD 7C would not have any impact on any currently approved USPS STD 7B product. Any mailbox manufacturer wishing to seek approval for either or both of the new locked and non-locked design options introduced by USPS STD 7C would follow the process detailed in Section 6, *Application Requirements* of USPS STD 7C.

Accordingly, for the reasons stated, the Postal Service proposes to replace USPS STD 7B with USPS STD 7C as set forth in the Appendix to this document.

Stanley F. Mires,

Attorney, Federal Requirements.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

Accordingly, for the reasons stated in the preamble, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Remove U.S. Postal Service Standard 7B and add U.S. Postal Service Standard 7C in its place to read as follows:

Appendix

U.S. POSTAL SERVICE STANDARD 7C, MAILBOXES, CURBSIDE (USPS STD 7C)

1. Scope and Classification

1.1 *Scope*—This standard covers all curbside mailboxes. Curbside mailboxes are defined as any design made to be served by a carrier from a vehicle on any city, rural, or highway contract route. This standard is not applicable to mailboxes intended for door delivery service (see 8.1).

1.2 *Classifications*—Based on their design, curbside mailboxes are classified as either:

• Non-Locked Mailboxes:

T—Traditional—Full or Limited Service (see 3.1.1, 3.1.1.1, and Figure 1A).

C—Contemporary—Full or Limited Service (see 3.1.1 and 3.1.1.2).

LC—Large Capacity—Full or Limited Service (see 3.1.1, 3.1.1.3, and Figure 1B).

• Locked Mailboxes:

LMS—Locked, Mail Slot Design—Full or Limited Service (see 3.1.2, 3.1.2.1, and Figures 2A and 2B).

LLC—Locked, Large Capacity/USPS Security Tested—Full or Limited Service (see 3.1.2, 3.1.2.2, and Figure 3).

1.3 *Approved Models*

1.3.1 *Approved Models*—A list of manufacturers whose mailboxes have been approved by the United States Postal Service (USPS) will be published annually in the *Postal Bulletin.* A copy of the most current list of approved models is also available from the office listed in 1.3.2.

1.3.2 *Interested Manufacturers*—Manufacturing standards and current information about the manufacture of curbside mailboxes may be obtained by writing to:

USPS ENGINEERING SYSTEMS, DELIVERY AND RETAIL TECHNOLOGY, 8403 LEE HIGHWAY, MERRIFIELD, VA 22082–8101

2. Applicable Documents

2.1 *Specifications and Standards*—Except where specifically noted, the specifications set forth herein apply to all curbside mailbox designs.

2.2 *Government Document*—The following document of the latest issue is incorporated by reference as part of this standard:

United States Postal Service Postal Operations Manual (POM)

Copies of the applicable sections of the POM can be obtained from USPS Delivery and Retail, 475 L'Enfant Plaza SW., Washington, DC 20260–6200.

2.3 *Non-Government Documents*—The following documents of the latest issue are incorporated by reference as part of this standard:

American Standards for Testing Materials (ASTM)

• ASTM G85 Standard Practice for Modified Salt Spray (Fog) Testing
• ASTM D968 Standard Test Methods for Abrasion Resistance of Organic Coatings by Falling Abrasive

Copies of the ASTM documents can be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.

Underwriters Laboratories (UL)

• UL 771 Night Depositories (Rain Test Only)

Copies of the UL document can be obtained from Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062–2096.

3. Requirements

3.1 *General Design*—Mailboxes must meet regulations and requirements as stipulated by USPS collection and delivery, operation, and policy (see 2.2). This includes carrier door operation (see 3.3), flag operation (see 3.6), incoming mail openings and the retrieval of outgoing mail (see below in 3.1). The manufacturer determines the opening style, design, and size; however, the carrier must be able to deposit the customer's mail. Outgoing mail for full service designs must be able to be pulled straight out of the mailbox without interference from protrusions, hardware, etc. Mailboxes must be capable of passing the applicable testing requirements (see Section 4). Mailboxes must not be made of any transparent, toxic, or flammable material (see 3.2). The mailbox must protect mail from potential water damage which may result from wet weather conditions (see 4.4). Any advertising on a mailbox or its support is prohibited. Additional specific requirements follow.

3.1.1 *Non-Locked Designs (Limited and Full Service)*—Mailbox designs that conform to any of the three design types specified in 3.1.1 will be classified as non-locked with the appropriate sub-designation. Designs incorporating a carrier signal flag (see 3.6) will be classified as full-service mailboxes. Designs with no flag will be classified as limited service (see 3.11). As specified in 3.4, a rear door is permitted

to enable the customer to remove mail without standing in the street. The use of any ancillary items (*i.e.,* locks, locking devices, or inserts) that either require the carrier to use a key to gain access to a non-locked mailbox or that restrict or reduce the interior opening of the mailbox, once the front door has been fully opened, is prohibited. *There is no local Postmaster approval exception for this prohibition.*

3.1.1.1 *Traditional Designs (Limited and Full Service)*—Mailbox designs that conform to Figure 1A and meet the limited capacity requirements specified in 4.2.1 will be classified as Traditional (T).

3.1.1.2 *Contemporary Designs (Limited and Full Service)*—Mailbox designs that do not conform to the dome-rectangular shape of Traditional designs but meet the limited capacity requirements specified in 4.2.1, while not exceeding the maximum dimensions of Figure 1A, will be classified as Contemporary (C).

3.1.1.3 *Large Capacity Designs (Limited and Full Service)*—Mailbox designs that conform to Figure 1B and meet the expanded capacity requirements specified in 4.2.2 will be classified as Large Capacity (LC).

3.1.2 *Locked Designs*—Mailbox designs that conform to either of the two design types specified in 3.1.2 will be classified as Locked with the appropriate sub-designation.

3.1.2.1 *Locked, Mail Slot Designs (Limited and Full Service)*—Mailbox designs that conform to either Figure 2A or 2B and meet the limited-capacity requirements specified in 4.2.1 will be classified as Locked, Mail Slot Design (LMS). This locking design option provides non–USPS-tested security for the customer's incoming mail. Although the shape and design are less restrictive, these Locked mailbox designs must meet the same applicable functional requirements. Designs having a slot for incoming mail must be at least 1.75 inches high by 10 inches wide. If a slot has a protective flap, it must operate inward to ensure mail can be inserted in a horizontal manner without requiring any additional effort by the carriers (see Figure 2B). The slot must be positioned on the front side of the mailbox facing the street. In addition, the slot must be clearly visible and directly accessible by mail carriers. Any designs that allow for outgoing mail must meet all applicable requirements of this standard.

3.1.2.1.1 *Full Service*—Locked mailbox designs of this class allow for both incoming and outgoing mail as depicted in Figure 2A. Both incoming and outgoing mail functionality must be located behind a single carrier service door as shown in Figure 2A. While it is preferred [1] that the outgoing mail function be handled via use of the backside of the front door, any alternate use of a separate outgoing mail compartment, such as beneath or side-by-side with the incoming mail compartment, is permitted provided that no additional carrier service is introduced. All designs must allow the carrier direct access to grasp and retrieve the outgoing mail.

3.1.2.1.2 *Limited Service*—Locked mailbox designs of this class allow only for incoming mail as shown in Figure 2B.

3.1.2.2 *Locked, Large Capacity/USPS-Security-Tested Designs (Limited and Full Service)*—Mailbox designs that conform to Figure 3 and meet both the expanded capacity requirements specified in 4.2.2 and security testing specified in 4.12 will be classified as Locked, Large Capacity/USPS-Security-Tested (LLC).

3.1.2.2.1 *Full Service*—Locked mailbox designs of this class allow for both incoming and outgoing mail as depicted in Figure 3. Both incoming and outgoing mail functionality must be located behind a single carrier service door as shown in Figure 3. While it is preferred [1] that the outgoing mail function be handled via use of the backside of the front door, any alternate use of a separate outgoing mail compartment, such as beneath or side-by-side with the incoming mail compartment, is permitted provided that no additional carrier service is introduced. All designs must allow the carrier direct access to grasp and retrieve the outgoing mail.

3.1.2.2.2 *Limited Service*—Locked mailbox designs of this class allow only for incoming mail. Refer to the two Locked mailbox feature exceptions linked to Note 10 of Figure 3.

3.1.3 *Mailbox Accessories*—Decorative art and devices can be attached to the exterior of approved mailbox designs, provided they do not interfere with mail delivery or present a safety hazard. Devices can also be mounted in the interior of approved mailboxes, provided they do not cause the intended mailbox to fail either capacity test described in 4.2, and do not interfere with mail delivery or present a safety hazard. Any advertising on a mailbox or its support is prohibited. Unrestricted spring-loaded devices and designs are prohibited. Auxiliary flags or devices used to signal the customer that the mail has arrived must operate automatically without requiring additional carrier effort.

3.2 *Materials*—Ferrous or nonferrous metal, wood (restrictions apply), plastic, or other materials may be used, as long as their thickness, form, mechanical properties, and chemical properties adequately meet the operational, structural, and performance requirements set forth in this standard. Materials used must not be toxic, flammable or transparent.

3.2.1 *Mailbox Floor*—The entire bottom area of all mailboxes, where mail would rest, must be fabricated to prevent mail from damage due to condensation or moisture. Except for the internal mail compartment of locked style mailboxes, all designs must not present a lip or protrusion that would prevent the mail from being inserted or pulled straight out of the mailbox. The surface of the floor cannot be made of wood material. The floor must be ribbed as shown in Figures 1A, 1B, 2A, 2B, and 3, or dimpled, embossed, or otherwise fabricated provided the resulting surface area (touching mail) does not exceed the boundary of a square with sides of 0.25 inch (per dimple or impression) and is a minimum of 0.12 inch high on centers not exceeding 1 inch. A mat insert having a raised surface contour may be used for the internal mail compartment of locked style mailboxes only (see Figures 2A, 2B, and 3).

3.2.2 *Carrier Signal Flag*—The carrier signal flag cannot be made of wood. Plastic is the preferred material.

3.2.3 *Door Handle*—The door handle cannot be made of wood. Plastic is the preferred material.

3.3 *Carrier Service Door*—There must be only one carrier service door that must provide access for mail delivery and collection at the unit and meet USPS delivery operational requirements (see 2.2). The door must meet the applicable testing requirements specified in 4.3. The carrier service door must operate freely and solely by pulling outward and downward with a convenient handle or knob. The design of the door, including hinges and handles must provide protection against wind, rain, sleet, or snow (see 4.4). Door latches must hold the door closed but allow easy opening and closing requiring no more than 5 pounds of force. The action of the latch must be a positive mechanical one not relying solely on friction of the hinge parts. The door must not be spring-loaded. Magnetic latches are acceptable provided adequate closure power is maintained during ambient conditions specified in 4.7 and applicable testing described in Section 4. It is preferred

[1] The term 'preferred' as used throughout this document in conjunction with any requirement implies that compliance is desired but not mandatory.

that by either tactile sensation or sound (*i.e.,* a snap or click) carriers are alerted that the door is properly shut. The door, once opened, must remain in the open position until the carrier pushes it closed. The door must rotate a minimum of 100 degrees when opened and it is preferred that the maximum rotation be limited to 120 degrees or less. When in a fully opened and rest position, the opening angle of the door cannot measure more than 180 degrees. No protrusions other than the handle or knob, door catch, alternate flag design, decorative features or markings are permitted on the carrier service door. Protrusions of any kind that reduce the usable volume within the mailbox when closed are not acceptable. See 3.1.2 for carrier service door requirements for Locked mailbox designs.

3.3.1 *Handle or Knob*—The handle or knob must have adequate accessibility to permit quickly grasping and pulling it with one hand (with or without gloves) to open the door. The handle or knob must be located within the top ⅓ of the door. Various acceptable handle and knob designs with required dimensions are depicted in Figure 5. Other designs may be acceptable provided they allow enough finger clearance and surface area for carriers to grasp.

3.4 *Rear Doors*—Both locking and non-locking mailbox designs may have rear doors.

3.4.1 *Non-Locking Mailbox Designs*—These mailbox designs may have a rear door, provided that it does not interfere with the normal delivery and collection operation provided by the carrier, require the carrier to perform any unusual operations, or prevent the applicable capacity test gauge from fully inserting. The rear door must not be susceptible to being forced open as a result of large mail items such as newspapers and parcels being inserted through the carrier service door. The rear door must meet the applicable testing requirements specified in 4.

3.4.2 *Locking Mailbox Designs*—These designs must have a customer access door that may be located as shown in Figures 2A, 2B, and 3 on the rear wall of the mailbox. However, for locking mailbox designs, the customer access door may be located on a side wall. For locking designs submitted for approval under 3.1.2.2, this door must be subject to the security test requirement in 4.12.

3.5 *Locks*—Locked mailbox designs, which are submitted for approval under 3.1.2.2, must meet the security test requirements of 4.12 to ensure that incoming mail is accessible only by the customer to the performance level required. The use of locks on all non-locked mailbox designs is prohibited. Manufacturers must include the following statement in their instructions to customers:

IT IS IMPORTANT TO NOTE THAT IT IS NOT THE RESPONSIBILITY OF MAIL CARRIERS TO OPEN MAILBOXES THAT ARE LOCKED, ACCEPT KEYS FOR THIS PURPOSE, OR LOCK MAILBOXES AFTER DELIVERY OF THE MAIL.

3.6 *Carrier Signal Flag*—Non-locked and locked mailbox designs classified as Full Service must have a carrier signal flag. While it is preferred that the flag design be one of the approved concepts depicted in Figures 1A, 1B, 2A, 3, and 4, alternates will be considered for approval if all other dimensional and test requirements are otherwise met. As shown in each figure, the flag must be mounted on the right side when facing the mailbox from the front. The flag must not require a lift of more than 2 pounds of force to retract. Additionally, when actuated (signaling outgoing mail), the flag must remain in position until retracted by the carrier. The color of the flag must be in accordance with the requirements described in 3.9. The operating mechanism of the flag must not require lubrication and must continue to operate properly and positively (without binding or excessive free play) after being subjected to the test described in Section 4. Optionally, the flag may incorporate a self-lowering feature that causes it to automatically retract when the carrier service door is opened provided no additional effort is required of the carrier. The self-lowering feature cannot present protrusions or attachments and must not interfere with delivery operations in any manner or present hazardous features as specified in 3.1.

3.7 *Marking*—The mailbox must bear two inscriptions on the carrier service door: ''U.S. MAIL'' in a minimum of 0.50 inch-high letters and ''Approved By The Postmaster General'' in a minimum of 0.18 inch-high letters. These inscriptions may be positioned beneath the incoming mail slot for Limited Service Locked (Mail Slot Design) mailboxes as shown in Figure 2B. Markings must be permanent and may be accomplished by applying a decal, embossing on sheet metal, raised lettering on plastic, engraving on wood or other methods that are suitable for that particular unit. The manufacturer's name, address, date of manufacture (month and year), and model number or nomenclature must be legible and permanently marked or affixed on a panel (rear, backside of door, bottom or side interior near the carrier service door) of the mailbox that is readily accessible and not obscured.

3.7.1 *Modified Mailbox Marking*—Mailboxes that use previously approved units in their design must include marking stating the new manufacturer's name address, date of manufacture, and model nomenclature in a permanent fashion and location as described in 3.7. Additionally, the ''U.S. MAIL'' and ''Approved By The Postmaster General'' marking must be reapplied if it is obscured or obliterated by the new design.

3.8 *Coatings and Finishes*—The choice of coatings and finishes is optional, provided all requirements of this standard are met. All coatings and finishes must be free from flaking, peeling, cracking, crazing, blushing, and powdery surfaces. Coatings and finishes must be compatible with the mailbox materials. Except for small decorative accents, mirror-like coatings or finishes are prohibited. The coating or finish must meet the applicable testing requirements described in 4.6.

3.9 *Color*—The color of the mailbox and flag must be in accordance with the requirements stated in 3.9. The mailbox may be any color. The carrier signal flag can be any color except any shade of green, brown, white, yellow or blue. The preferred flag color is fluorescent orange. Also, the flag color must present a clear contrast with predominant color of the mailbox.

3.10 *Mounting*—The mailbox must be provided with means for convenient and locked mounting that meets all applicable requirements. The manufacturer may offer various types of mounting accessories, such as a bracket, post or stand. Although the Postal Service does not regulate the design of mounting accessories, no part of the mounting accessory is permitted to project beyond the front of the mounted mailbox. Mounting accessories must not interfere with delivery operations as described in 3.1.3 or present hazardous features as described in 3.13. See Section 8 for additional important information.

3.11 *Instructions and Product Information*

3.11.1 *Assembly and Installation*—A complete set of instructions for assembling and mounting the mailbox must be furnished with each unit. The instructions must include the following conspicuous message:

CUSTOMERS ARE REQUIRED TO CONTACT THE LOCAL POST OFFICE BEFORE INSTALLING THE MAILBOX TO ENSURE ITS CORRECT PLACEMENT AND HEIGHT AT THE STREET. GENERALLY, MAILBOXES ARE INSTALLED AT A HEIGHT OF

41–45 INCHES FROM THE ROAD SURFACE TO EITHER THE INSIDE SURFACE OF THE MAILBOX THAT THE MAIL IS PLACED ON BY THE CARRIER OR TO THE LOWEST EDGE OF MAIL ENTRY (FOR LOCKED MAIL SLOT DESIGNS) AND ARE SET BACK 6–8 INCHES FROM THE FRONT FACE OF CURB OR ROAD EDGE TO THE MAILBOX DOOR.

3.11.2 *Limited Service Mailboxes*—The following conspicuous note must be included with each mailbox:

THIS IS A LIMITED SERVICE MAILBOX (WITHOUT FLAG) AND IT IS INTENDED ONLY FOR CUSTOMERS WHO DO NOT WANT POSTAL CARRIERS TO PICK UP THEIR OUTGOING MAIL. UNLESS POSTAL CARRIERS HAVE MAIL TO DELIVER, THEY WILL NOT STOP AT LIMITED SERVICE MAILBOXES.

3.12 *Newspaper Receptacles*—A receptacle for the delivery of newspapers may be attached to the post of a curbside mailbox provided no part of the receptacle interferes with the delivery of mail, obstructs the view of the flag, or presents a hazard to the carrier or the carrier's vehicle. The receptacle must not extend beyond the front of the box when the door is closed. No advertising may be displayed on the outside of the receptacle, except the name of the publication. If the mailbox design does not require a post, a separate mounting arrangement must be made.

3.13 *Workmanship*—The mailbox must be properly assembled and utilize the best commercial practice workmanship standards in the fabrication of all components and assemblies. All movable parts must fit and operate properly with no unintended catch or binding points. The unit must be free from harmful projections or other hazardous devices. The unit must not have any sharp edges, sharp corners, burrs or other features (on any surfaces) that may be hazardous to carriers or customers, or that may interfere with delivery operations as described in 3.1.

3.14 *Intellectual Property*—Under no circumstances does the Postal Service intend that manufacturers use third-party intellectual property without an appropriate license agreement between the manufacturer and the third party at issue. The manufacturer is solely responsible for obtaining any necessary licenses and is solely responsible for any liability incurred in connection with any intellectual property infringement allegations concerning devices that the USPS reviews and approves. The manufacturer agrees not to use any USPS marks, including but not limited to APPROVED BY THE POSTMASTER GENERAL or USPS-APPROVED, without prior USPS approval and a license from the USPS.

4. Testing Requirements

4.1 *Testing Requirements*—Mailboxes will be subjected to all applicable testing described herein (specific requirements follow). A mailbox that fails to pass any test will be rejected. Testing will be conducted in sequence as listed herein and in Table III.

4.2 *Capacity*—Non-locked and locked designs must meet the applicable minimum capacity requirements as tested by insertion and removal of a test gauge or appropriate mail test items as specified in 4.2.1 and 4.2.2.

4.2.1 *Capacity (Limited Capacity Test Gauge)*—Traditional and Contemporary designs, submitted for approval under 3.1.1.1 and 3.1.1.2, must meet minimum capacity requirements tested by insertion and removal of a standard test gauge which measures 18.50 inches long x 5.00 inches wide x 6.00 inches high. The test gauge is inserted with its 6-inch dimension aligned in the vertical axis (perpendicular to the mailbox floor). The gauge must be capable of easy insertion and removal; and while inserted, allow for all doors to be completely closed without interference.

The capacity of Locked designs, submitted for approval under 3.1.2.1, which have slots, chutes or similar features, will be tested and approved based upon whether standard USPS mail sizes (*see* Table I) can be easily inserted through the mail slot or opening. Retrieval of this mail from the locked compartment must be equally as easy.

TABLE I—STANDARD MAIL

[Locked designs]

Description	Size (L x H x Thk) (inches)
Express & Priority Mail Envelopes	12½ x 9½ x ½
Priority Mail Box	8⅝ x 5⅜ x 1⅝

4.2.2 *Capacity (Expanded Capacity Test Gauge)*—Non-Locked and Locked designs, submitted for approval to either 3.1.1.3 or 3.1.2.2, must meet minimum capacity requirements tested by insertion and removal of a standard test gauge which measures 16.00 inches long x 13.00 inches wide x 7.00 inches high. The test gauge is inserted with its 7-inch dimension aligned in the vertical axis (perpendicular to the mailbox floor). The gauge must be capable of easy insertion and removal; and while inserted, allow for all doors to be completely closed without interference. The capacity of Locked designs must also meet this capacity test requirement; however, any dimension may be aligned in the vertical axis. Retrieval of the test gauge from the locked compartment must be equally as easy.

4.3 *Operational Requirements*—Carrier service doors, auxiliary doors, door catches or mechanisms, carrier signal flags, and applicable accessory devices must be capable of operating 7,500 normal operating cycles (1 cycle = open/close) at room temperature, continuously and correctly, without any failures such as breakage of parts. Testing may be performed either manually or by means of an automated mechanically driven test fixture which essentially mimics a manual operation. This test applies to all mailbox designs.

4.4 *Water-Tightness*—A rain test in accordance with UL 771, section 47.7, must be performed to determine a mailbox's ability to protect mail from water. The rain test must be operated for a period of 15 minutes for each side. At the conclusion of the test, the outside of the unit is wiped dry and all doors are opened. The inside of the compartment must contain no water other than that produced by high moisture condensation. This test applies to all mailbox designs.

4.5 *Salt Spray Resistance*—A salt spray test must be conducted in accordance with method A5 of ASTM G85, Standard Practice for Modified Salt Spray (Fog) Testing. The salt test must be operated for 25 continuous cycles with each cycle consisting of 1-hour fog and 1-hour dry-off. The mailbox must be tested in a finished condition, including all protective coating, paint, and mounting hardware and must be thoroughly washed when submitted to remove all oil, grease, and other nonpermanent coatings. No part of the mailbox may show finish corrosion, blistering or peeling, or other destructive reaction upon conclusion of test. Corrosion is defined as any form of property change such as rust, oxidation, color changes, perforation, accelerated erosion, or disintegration. The build-up of salt deposits upon the surface will not be cause for rejection. However, any corrosion, paint blistering, or paint peeling is cause for rejection. This test is primarily applicable to ferrous metal mailbox designs. The test is also valid for mailbox designs made of plastic, wood, or other materials that use any metal hardware.

4.6 *Abrasion Resistance*—The mailbox's coating or finish must be

tested for resistance to abrasion in accordance with method A of ASTM D968. The rate of sand flow must be 2 liters of sand in 22 ±3 seconds. The mailbox will have failed the sand abrasion test if it requires less than 15 liters of sand to penetrate its coating, or if it requires less than 75 liters of sand to penetrate its plating. This test applies to metal mailbox designs only.

4.7 *Temperature Stress Test*—The mailbox under test must be placed in a cold chamber at −65 °F for 24 hours. The chamber must first be stabilized at the test temperature. After remaining in the −65° environment for the 24-hour period, the unit must be quickly removed from the cold chamber into room ambient temperature and tested for normal operation. The removal from the chamber and the testing for normal operation must be accomplished in less than 3 minutes. The room ambient temperature must be between 65° and 75° Fahrenheit. Normal operation is defined as operation required and defined by this document. The unit under test must undergo a similar temperature test, as described above, at a temperature of 140° Fahrenheit. This test applies to all mailbox designs.

4.8 *Structural Rigidity Requirements*—Forces of specified magnitude (see Table II) must be slowly applied at specific points on the mailbox under test (see Figure 6). These forces must be held for a minimum of 1 minute and then released. After their release, the deformation caused by the forces must be measured. If the deformation exceeds the limit specified in Table II, the mailbox under test has failed to meet the structural rigidity requirement. The doors must remain closed for test positions 1 through 6. The forces at positions 1 and 2 must be applied with the mailbox in its normal upright position, supported by a horizontal board. The forces at positions 3, 4, and 5 must be applied with the mailbox lying on its side (flag side down). The mailbox must be supported, on the flag side, by a flat board that is relieved in the immediate area of the flag mechanism. The force at position 6 (Non-Locked mailbox flags only) must be applied with the mailbox lying on its side (flag side up). This load may be applied as shown in Figure 5 or from the other direction. If visible cracks in the material, develop as a result of the testing, the mailbox under test has failed to meet the structural rigidity requirement. At the conclusion of the Structural Rigidity testing, if the mailbox under test fails to operate normally, as defined by this document, the mailbox under test has failed to meet the structural rigidity requirement. This test applies to all mailbox designs.

TABLE II—PERMANENT DEFORMATION LIMITS

Position	Deformation (inches)	Load (pounds)
1	⅛	200
2	⅛	200
3	⅛	50
4	⅛	50
5	⅛	100
6	½	2

4.9 *Impact Test*—Refer to Figure 6 for load positions. Precondition the mailbox for 4 hours at −20° Fahrenheit. The following testing must be performed within 3 minutes of removing the mailbox from the temperature chamber. At both load positions 3 and 4, with the mailbox lying on its side (flag side down) with all doors closed, apply an impact load force generated by a 10-pound weight dropped from a height of 3 feet above the mailbox surface onto a bolster plate having a surface not larger than 2 inches by 6 inches. The mailbox must be supported, on the underside, by a flat board that is relieved in the immediate area of the flag mechanism. If any noticeable perforation, occurrence of sharp edges, or cracking of the material (either inside or outside the mailbox) develops as a result of the impact, or if the door becomes inoperable or fails to close normally, the mailbox under test has failed to meet the impact resistance requirement. This test applies to all mailbox designs.

4.10 *Door Catch or Mechanism Test*—Door catches and mechanisms must be tested to demonstrate that a force not greater than 5 pounds or less than 1 pound is required to open and close them (see 3.3). A force measurement device must be attached to the front door's knob or handle. The load must be applied slowly in a direction perpendicular to the plane of the door. The device must allow for the measured force limits to be recorded accurately.

4.11 *Carrier Signal Flag Test*—The mailbox flag must be tested to demonstrate that a force not exceeding 2 pounds is required to deploy, extend, raise, or retract it. The load must be applied at the flag edge furthest from the hinged end or at the leading edge, if the flag retracts and extends. A force measurement device must be attached to the flag so as to apply the load and allow for it to be recorded accurately.

4.12 *Security Test (Locked, Large Capacity Designs)*—Locked design mailboxes, submitted for 3.1.2.2 approval, must be tested as described below for resistance to tampering and unauthorized entry through the use of tools such as screwdrivers, flat plates, knives, pry bars, vise grips, pliers, chisels, and punches for a period not to exceed 3 minutes for each feature tested. Pry tools used for testing must not exceed 18 inches in length.

4.12.1 *Customer Access Door*—Gaps and seams around the perimeter of the customer access door must be tested using pry tools listed in 4.12 for a period not to exceed 3 minutes to ensure that access to the compartment cannot be gained within that period of time.

4.12.2 *Carrier Access Door*—A manual test must be conducted for a period of 3 minutes to ensure that no customer mail items can be accessed and removed through an opened carrier access door within that period of time.

5. Quality Management System Provisions

5.1 *Quality System*—The approved source must ensure and be able to substantiate that manufactured units conform to requirements and match the approved design.

5.2 *Inspection*—The USPS reserves the right to inspect units for conformance at any stage of manufacture. Inspection by the USPS does not relieve the approved source of the responsibility to provide conforming product. The USPS, may, at its discretion, revoke the approval status of any product that does not meet the requirements of this standard.

5.3 *System*—The approved source must use a documented quality management system acceptable to the USPS. The USPS has the right to evaluate the acceptability and effectiveness of the approved source's quality management system prior to approval, and during tenure as an approved source. At a minimum, the quality management system must include controls and record keeping in the areas described in 5.3.1 through 5.3.8.

5.3.1 *Document Control*—Documents used in the manufacture of product must be controlled. The control process for documents must ensure the following:

- Documents are identified, reviewed, and approved prior to use.
- Revision status is identified.
- Documents of external origin are identified and controlled.

5.3.2 *Supplier Oversight*—The approved source must use a documented process that ensures the following:

• Material requirements and specifications are clearly described in procurement documents.

• Inspection or other verification methods are established and implemented for validation of purchased materials.

5.3.3 *Inspection and Testing*—The approved source must monitor and verify that product characteristics match approved design. This activity must be carried out at appropriate stages of manufacture to ensure that only acceptable products are delivered.

5.3.4 *Control of Nonconforming Product*—The control method and disposition process must be defined and ensure that any product or material that does not conform to the approved design is identified and controlled to prevent its unintended use or delivery.

5.3.5 *Control of Inspection, Measuring, and Test Equipment*—The approved source must ensure that all equipment used to verify product conformance is controlled, identified, and calibrated at prescribed intervals traceable to nationally recognized standards in accordance with documented procedures.

5.3.6 *Corrective Action*—The approved source must maintain a documented complaint process. This process must ensure that all complaints are reviewed and that appropriate action is taken to determine cause and prevent reoccurrence. Action must be taken in a timely manner and be based on the severity of the nonconformance. In addition to outlining the approved source's approach to quality, the documentation must specify the methodology used to accomplish the interlinked processes and describe how they are controlled. The approved source must submit its quality documentation to the Postal Service for review along with the preliminary design review.

Note: It is recognized that each approved source functions individually. Consequently, the quality system of each approved source may differ in the specific methods of accomplishment. It is not the intent of this standard to attempt to standardize these systems, but to present the basic functional concepts that when conscientiously implemented will provide assurance that the approved source's product meets the requirements and fully matches the approved design.

5.3.7 *Documentation Retention*—All of the approved source's documentation pertaining to the approved product must be kept for a minimum of 3 years after shipment of product.

5.3.8 *Documentation Submittal*—The approved source must submit a copy of its quality system documentation relevant to the manufacture of curbside mailboxes for review as requested during the approval process and tenure as an approved source.

6. Application Requirements

6.1 *Application Requirements*—All correspondence and inquiries must be directed to the address in 1.3.2. The application process consists of the steps described in 6.1.1 through 6.1.3.4.

6.1.1 *Preliminary Review*—Manufacturers must first satisfy requirements of a preliminary review prior to submitting samples of any sample mailboxes or accessories. The preliminary review consists of a review of the manufacturer's conceptual design drawings for each mailbox for which the manufacturer is seeking approval. Computer-generated drawings are preferred, but hand-drawn sketches are acceptable provided they adequately depict the overall shape and interior size of the proposed mailbox design. Drawings must also include details about the design of applicable features such as the carrier service door (including the mail drop design and mechanism, for locking mailboxes), latch, handle, flag, floor, and mail induction opening size. If drawings show that the proposed mailbox design appears likely to comply with the requirements of this standard, manufacturers will be notified in writing and may then continue with the application requirements described in 6.1.2. Do NOT submit any sample units to the USPS prior to complying with the requirements of 6.1.2. Notification that a manufacturer's drawings satisfy the requirements of the preliminary review does NOT constitute USPS approval of a design and must NOT be relied upon as an assurance that a design will ultimately be approved.

6.1.2 *Independent Lab Testing*—Upon receiving written notification from the USPS that a submitted design satisfies requirements of the preliminary review, manufacturers must, at their own expense, submit one representative sample of their mailbox or accessory for which the vendor seeks USPS approval to an independent laboratory for testing along with a copy of the preliminary review letter from the USPS. Manufacturers with more than one unique model must have each one tested independently. Models that are generally of the same size, shape, and material of previously approved designs but only have different decorative features (*i.e.,* color scheme and surface contours) are not considered unique and do not require any testing. Manufacturers seeking approval of models that are not unique must submit documentation for each model in accordance with 6.1.3.2. This documentation must be reviewed and the proposed model must either be approved or disapproved (see Section 7). All tests must be performed by an approved independent test lab, except for the security tests, which must be performed by the Postal Service. See Appendix A for information on how to receive the list of USPS-approved independent test labs.

6.1.3 *Final Review*—Within 180 days of receipt of USPS preliminary review approval, manufacturers must submit one sample mailbox or accessory to the USPS for security testing, final review, and approval. The sample must be accompanied with a certificate of compliance and a copy of the laboratory test results (see 6.1.3.3). Mailboxes submitted to the USPS (see 1.3.2) for final evaluation must be identical in every way to the mailboxes to be marketed, and must be marked as specified in 3.7. Manufacturers may be subject to a verification of their quality system prior to approval. This may consist of a review of the manufacturer's quality manual (see 6.1.3.4) and an onsite quality system evaluation (see 5.2). If this final review submission does not occur within the prescribed timeframe, the preliminary review approval will be rescinded.

6.1.3.1 *Installation Instructions*—Manufacturers must furnish a written copy of their installation instructions for review. These instructions must contain all information as detailed in 3.11.

6.1.3.2 *Documentation*—Units submitted for approval must be accompanied by two complete sets of manufacturing drawings consisting of black on white prints (blueprints or sepia are unacceptable). The drawings must be dated and signed by the manufacturer's representatives. The drawings must completely document and represent the design of the unit tested. If other versions of the approved mailbox are to be offered, the drawings must include the unique or differing design items of these versions. The drawings must include sufficient details to allow the USPS to inspect all materials, construction methods, processes, coatings, treatments, finishes (including paint types), control specifications, parts, and assemblies used in the construction of the unit. Additionally, the drawings must fully describe any purchased materials, components, and hardware including their respective finishes. The USPS may request individual piece parts to verify drawings.

6.1.3.3 *Certification of Compliance and Test Results*—Manufacturers must furnish a written certificate of compliance indicating that their design fully complies with the requirements of this standard. In addition, the manufacturer must submit the lab's original report which clearly shows results of each test conducted (see Table III). The manufacturer bears all responsibility for its units meeting these requirements and the USPS reserves the right to retest any and all units submitted, including those which are available to the general public. Any changes to the design after approval and certification must be submitted to the USPS for evaluation.

TABLE III—TEST REQUIREMENTS

Test	Requirement	Reference	Applicable document
Capacity	Insertion of test gauge	4.2	
Operational Requirements	7,500 cycles	4.3	
Water-Tightness	No appreciable moisture	4.4	UL 771, Section 47.7.
Salt Spray Resistance	25 cycles	4.5	ASTM G85.
Abrasion Resistance	75 liters	4.6	ASTM D968.
Temperature Stress Test	Must function between –65 °F and 140 °F	4.7	
Structural Rigidity Requirements	Refer to Table II for loads and points, maximum 1/8 inch permanent deformation.	4.8	
Impact Test	10 lbs. dropped from 3 feet	4.9	
Door Catch/Mechanism Test	Max 5 lbs./Min 1 lb. to open/close door	4.10	
Carrier Signal Flag Test	Max 2 lbs. required to use flag	4.11	

6.1.3.4 *Quality Policy Manual*—The manufacturer must submit its quality policy manual to the address listed in 1.3.2.

7. Approval or Disapproval

7.1 *Disapproval*—Written notification, including reasons for disapproval, will be sent to the manufacturer within 30 days of completion of the final review of all submitted units. All correspondence and inquiries must be directed to the address listed in 1.3.2.

7.1.1 *Disapproved Mailboxes*—Mailboxes disapproved will be disposed of in 30 calendar days from the date of the written notification of disapproval or returned to the manufacturer, if requested, provided the manufacturer pays shipping costs.

7.2 *Approval*—One set of manufacturing drawings with written notification of approval will be returned to the manufacturer. The drawings will be stamped and identified as representing each unit.

7.2.1 *Approved Mailboxes*—Mailboxes that are approved will be retained by the USPS.

7.2.2. *Rescission*—The manufacturer's production units must be constructed in accordance with the USPS-certified drawings and the provisions of this specification and be of the same materials, construction, coating, workmanship, finish, etc., as the approved units. The USPS reserves the right at any time to examine and retest units obtained either in the general marketplace or from the manufacturer. If the USPS determines that a mailbox model is not in compliance with this standard or is out of conformance with approved drawings, the USPS may, at its discretion, rescind approval of the mailbox as described in 7.2.2.1 through 7.2.2.5.

7.2.2.1 *Written Notification*—The USPS will provide written notification to the manufacturer that a mailbox is not in compliance with this standard or is out of conformance with approved drawings. This notification will include the specific reasons that the unit is noncompliant or out of conformance and will be sent via Registered Mail™.

7.2.2.1.1 *Health and Safety*—If the USPS determines that the noncompliance or nonconformity constitutes a danger to the health or safety of customers or letter carriers, the USPS may, at its discretion, immediately rescind approval of the unit. In addition, the USPS may, at its discretion, order that production of the mailbox cease immediately, that any existing inventory not be sold for receipt of U.S. Mail, and that USPS Approved corrective design changes be applied to sold and unsold units.

7.2.2.2 *Manufacturer's Response*—In all cases of noncompliance or nonconformity other than those determined to constitute a danger to the health or safety of customers or letter carriers, the manufacturer must confer with the USPS and must submit one sample of a corrected mailbox to the USPS for approval no later than 45 calendar days after receipt of the notification described in 7.2.2.1. Failure to confer or submit a corrected mailbox within the prescribed period will constitute grounds for immediate rescission.

7.2.2.3 *Second Written Notification*—The USPS will respond to the manufacturer in writing, via Registered Mail, no later than 30 calendar days after receipt of the corrected mailbox with a determination of whether the manufacturer's submission is accepted or rejected and with specific reasons for the determination.

7.2.2.4 *Manufacturer's Second Response*—If the USPS rejects the corrected mailbox, the manufacturer may submit a second sample of the corrected mailbox to the USPS for approval no later than 45 calendar days after receipt of the notification described in 7.2.2.3. Failure to confer or submit a corrected mailbox within the prescribed period will constitute grounds for immediate rescission.

7.2.2.5 *Final USPS Rescission Notification*—The USPS will provide a final response to the manufacturer in writing no later than 30 calendar days after receipt of the second sample corrected mailbox with a determination of whether the manufacturer's submission is accepted or rejected and with specific reasons for the determination. If the second submission is rejected, the USPS may, at its discretion, rescind approval of the mailbox. In addition, the USPS may, at its discretion, order that production of the mailbox cease immediately, and that any existing inventory not be sold or used for receipt of U.S. Mail. If the USPS rescinds approval, the manufacturer is not prohibited from applying for a new approval pursuant to the provisions of 6.

7.2.3 *Revisions, Product or Drawings*—Changes that affect the form, fit, or function (*e.g.,* dimensions, material, and finish) of approved products or drawings must not be made without written USPS approval. Any proposed changes must be submitted with the affected documentation reflecting the changes (including a

notation in the revision area), and a written explanation of the changes. One unit, incorporating the changes, may be required to be resubmitted for testing and evaluation for approval.

7.2.3.1 *Corporate or Organizational Changes*—If any substantive part of the approved manufacturer's structure changes from what existed when the manufacturer became approved, the manufacturer must promptly notify the USPS and will be subject to a reevaluation of its approved products and quality system. Examples of substantive structural changes include the following: Change in ownership, executive or quality management; major change in quality policy or procedures; relocation of manufacturing facilities; and major equipment or manufacturing process change (*e.g.,* outsourcing vs. in-plant fabrication). Notification of such changes must be sent to the address given in 1.3.

7.2.4 *Product Brochure*—Within 60 days upon sale to the public, manufacturers must submit one copy of their product brochures representing approved mailbox designs to the address listed in 1.3.2 and to:

USPS, Delivery Program Support, 475 L'Enfant Plaza SW., Rm. 7142, Washington, DC 20260–7142

8. Notes

8.1 Mailboxes intended to be used in delivery to customers' doors are not currently ''approved'' by the United States Postal Service as referenced in this standard. However, it is recommended that these boxes conform to the intentions of this specification, particularly the safety of the carrier and customer and the protection of the mail. The local postmaster must be contacted prior to the installation and use of any door mailbox.

8.2 The United States Postal Service does not approve mailbox posts or regulate mounting of mailboxes other than the requirements specified in 3.10 and 3.11. Please note that mailbox posts are often subject to local restrictions, state laws, and federal highway regulations. Further information may be obtained from:

American Association of State Highway and Transportation Officials, 444 N. Capitol St. NW., Suite 249, Washington, DC 20001–1512,*http://www.transportation.org.*

Federal Highway Administration, Office of Safety, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, *safety.fhwa.dat.gov.*

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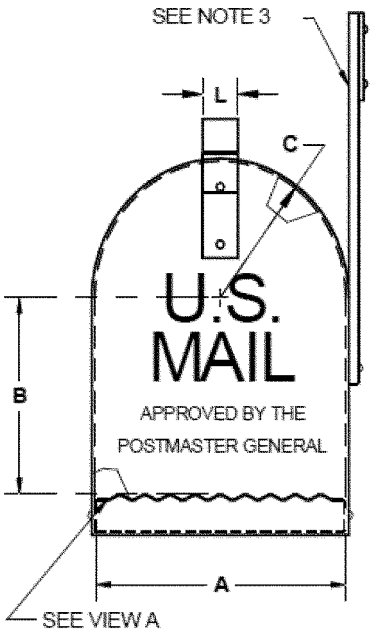
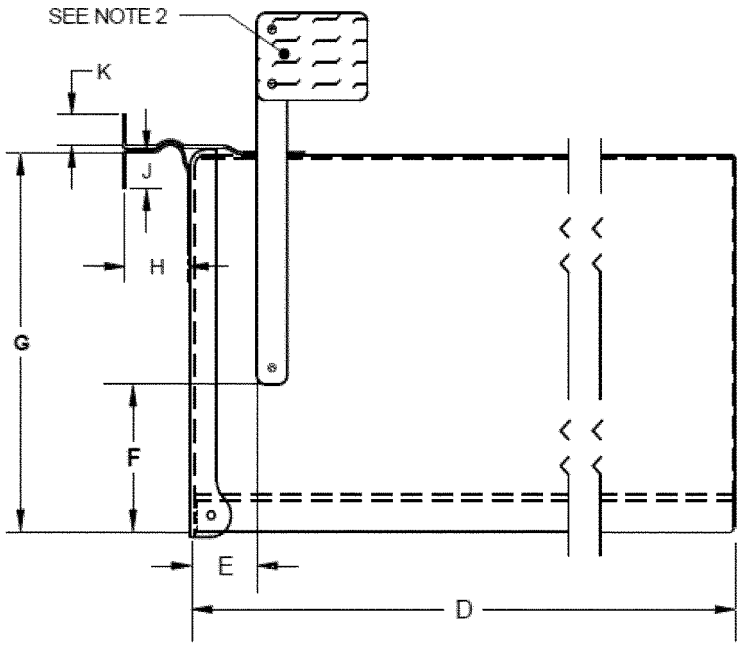
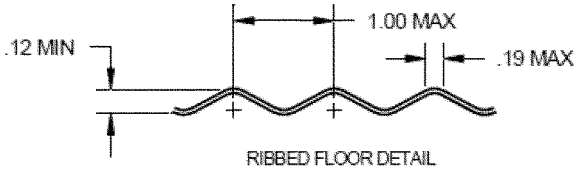






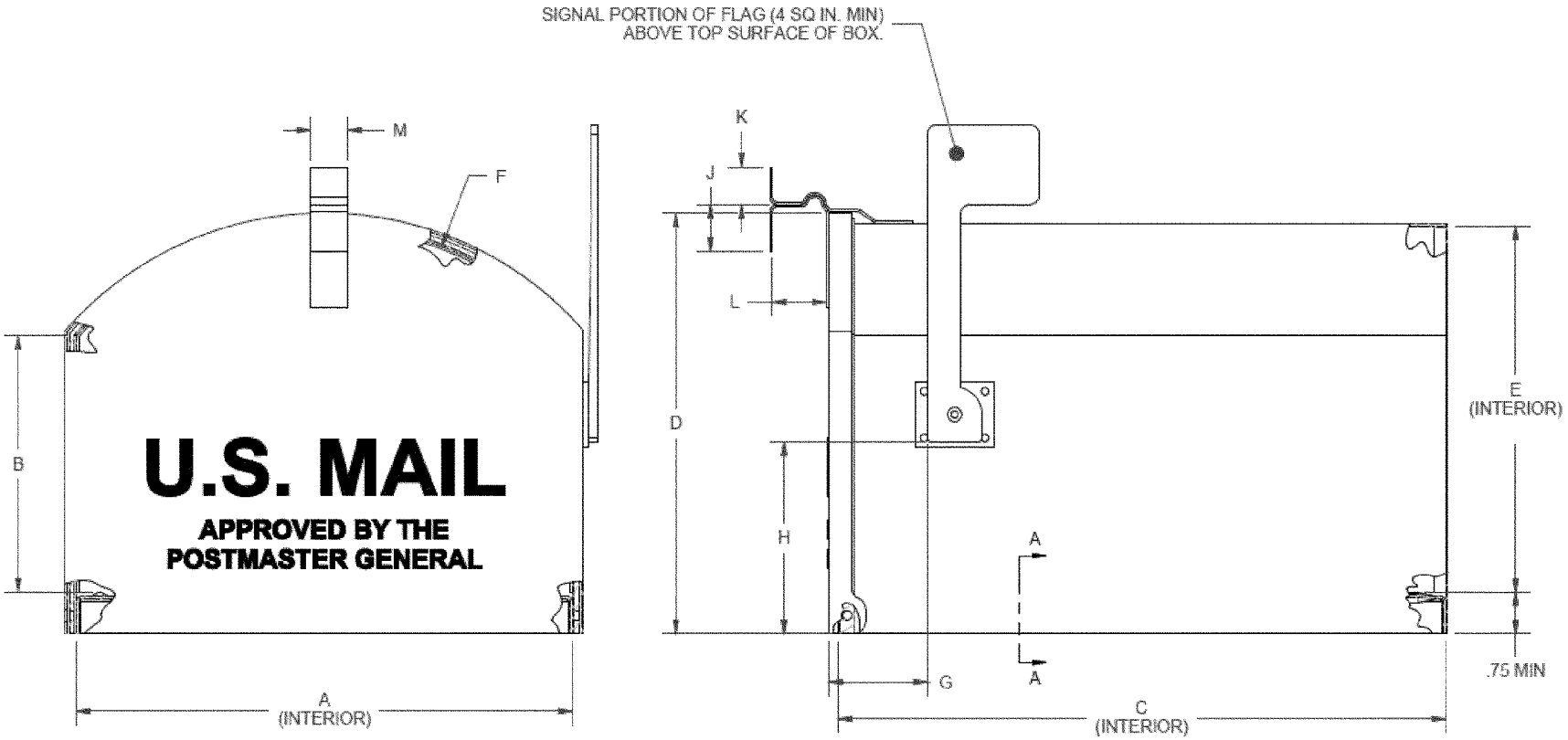
RIBBED FLOOR DETAIL
VIEW A

DIM	MIN	MAX	DIM	MIN	MAX
A	6.25	11.00	G	6.00	15.00
B	4.50	8.25	H	1.00	2.12
C	3.12R	5.50R	J	1.00	2.00
D	18.56	22.81	K	.50	.87
E	-	2.00	L	.87	1.25
F	3.75	8.50			

UNITS:INCHES

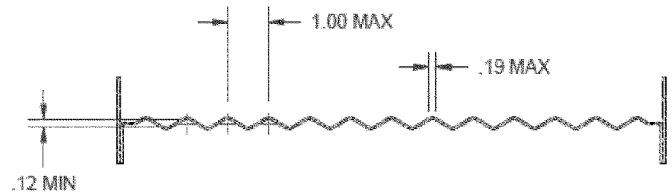
NOTES:
1.) DIMENSIONS A,B,C,&D ARE INTERIOR.
2.) SIGNAL PORTION OF FLAG (4 SQ. IN. MIN) ABOVE TOP SURFACE OF BOX.
3.) NO SHARP EDGES.

TRADITIONAL MAILBOX
FIGURE 1A



DIM	MIN	MAX	DIM	MIN	MAX
A	13.06	13.88	G	----	2.00
B	7.25	7.88	H	5.00	---
C	16.25	16.50	J	1.00	2.00
D	11.25	12.00	K	.50	.87
E	9.88	10.75	L	1.00	2.13
F	R8.94	R9.44	M	.87	1.25

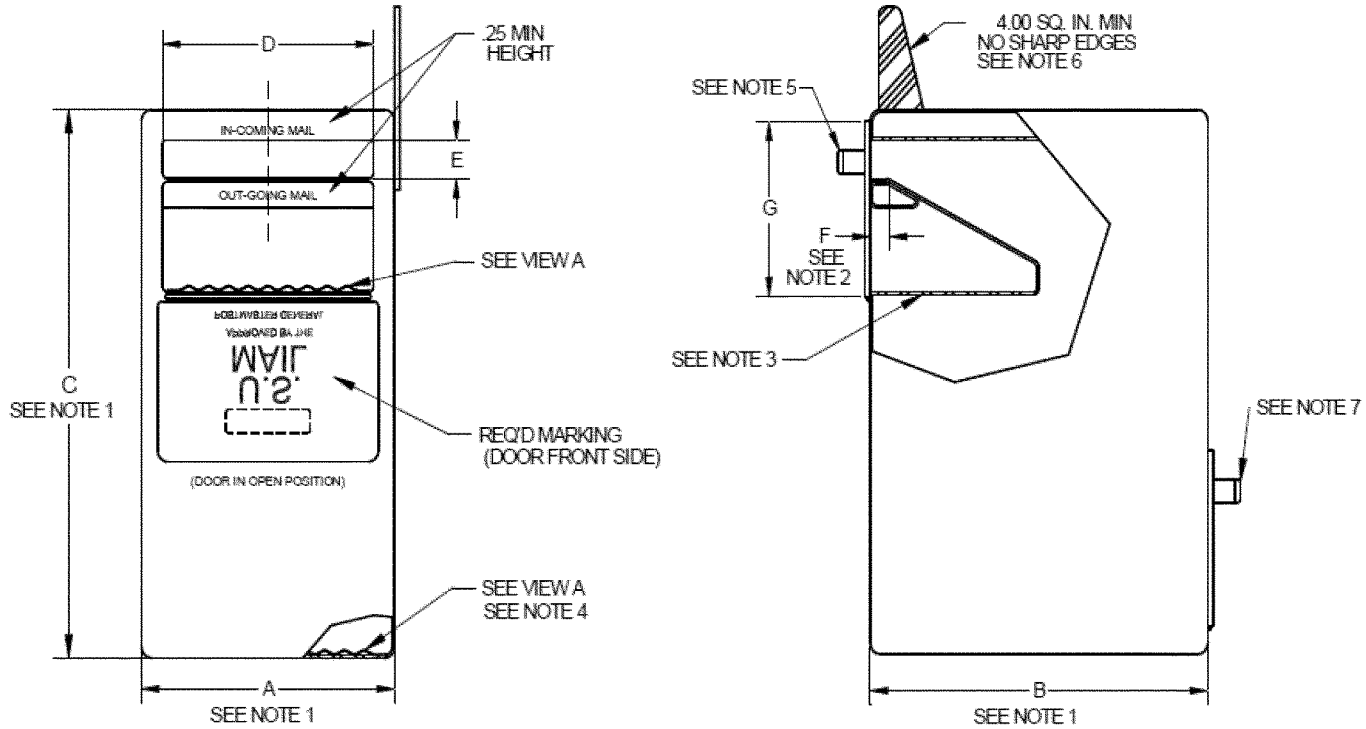
UNIT: INCHES

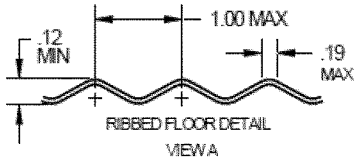


SECTION A-A

RIBBED FLOOR DETAIL

NON-LOCKED MAILBOX
(FULL SERVICE)
FIGURE 1B





DIM	MIN	MAX
A	-	-
B	-	-
C	-	-
D	10.00	-
E	1.75	-
F	-	2.00
G	-	15.00

UNITS:INCHES

NOTES:

1.) DIMENSIONS A, B, & C DETERMINED BY MANUFACTURER, BUT MUST PASS CAPACITY TEST.

2.) MAXIMUM SET-BACK FOR SLOT IS 2.00" WHEN MEASURED FROM FRONT WALL OF THE MAILBOX.

3.) COMPARTMENT MUST BE LARGE ENOUGH TO ACCOMMODATE SEVERAL 9.50"L X 4.25"H LETTERS. LETTERS CAN BE PLACED ON BACKSIDE OF THE CARRIER SERVICE DOOR ELIMINATING NEED FOR AN OUT-GOING MAIL COMPARTMENT PROVIDED MAIL DOES NOT FALL OUT WHEN DOOR IS OPENED.

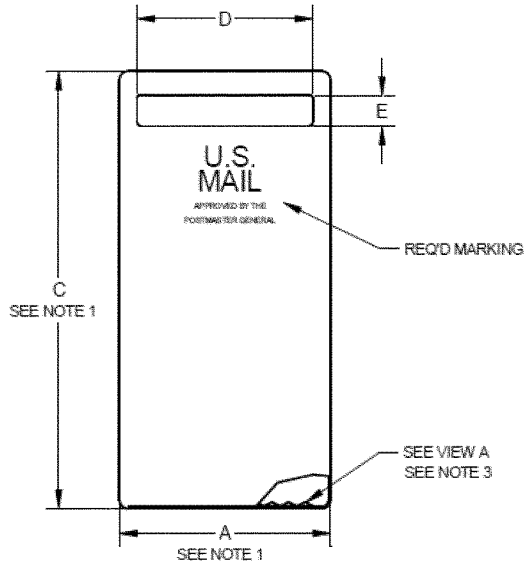
4.) A MAT INSERT AND OTHER FORMING TECHNIQUES ARE ACCEPTABLE.

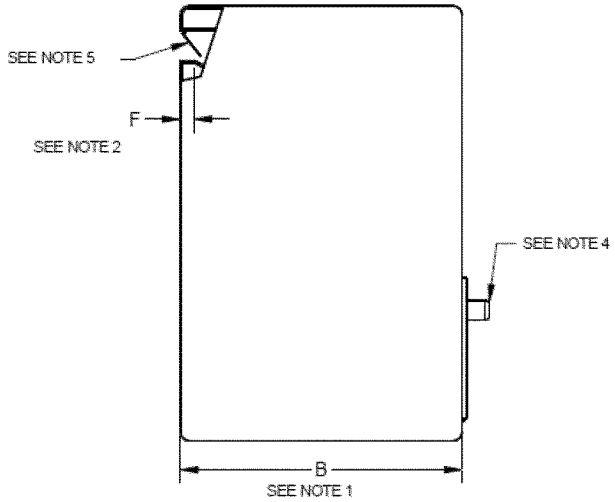
5.) HANDLE SHALL BE POSITIONED WITHIN TOP 1/3 OF CARRIER SERVICE DOOR AND PROVIDE 1.00" MINIMUM FINGER CLEARANCE.

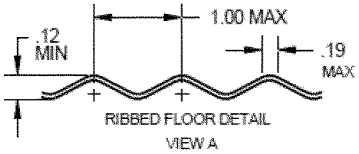
6.) FRONT EDGE OF FLAG MUST NOT BE SET BACK MORE THAN 2.00" WHEN MEASURED FROM FRONT WALL OF MAILBOX.

7.) OPTIONAL LOCATION OF CUSTOMER ACCESS DOOR.

LOCKED MAILBOX- MAIL SLOT DESIGN
(FULL SERVICE)
FIGURE 2A





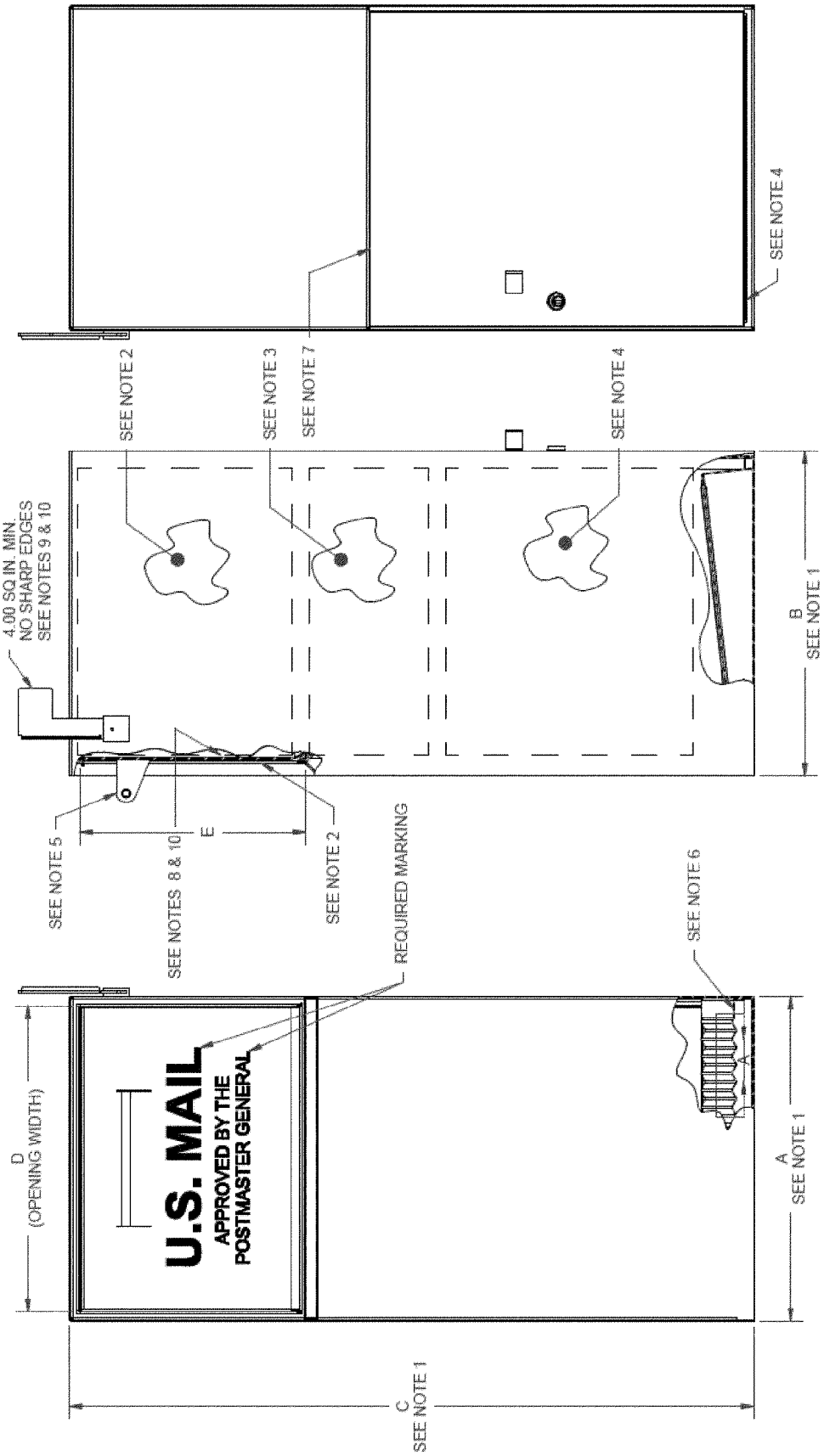


DIM	MIN	MAX
A	-	-
B	-	-
C	-	-
D	10.00	-
E	1.75	-
F	-	2.00

UNITS:INCHES

NOTES:
1.) DIMENSIONS A, B, & C DETERMINED BY MANUFACTURER.
2.) MAXIMUM SET-BACK FOR SLOT IS 2.00" FROM FRONT WALL OF THE MAILBOX.
3.) A MAT INSERT AND OTHER FORMING TECHNIQUES ARE ACCEPTABLE.
4.) OPTIONAL LOCATION OF CUSTOMER ACCESS DOOR.
5.) IF SLOT HAS A PROTECTIVE FLAP IT MUST OPERATE INWARD. IT IS PREFERRED THAT SLOT BE LOCATED BEHIND A CARRIER SERVICE DOOR.

LOCKED MAILBOX- MAIL SLOT DESIGN
(LIMITED SERVICE)
FIGURE 2B

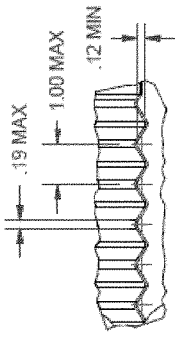


Notes:

1. Dimensions A, B & C determined by manufacturer, but must allow mail box to pass capacity test.
2. Front door opening and mail induction section of mail box must be large enough to accommodate 7" x 13" x 16" test gauge.
3. Any mail drop mechanism attached to the front door shall still operate (open/close) after a test gauge has been dropped to the lower section of mailbox.
4. Mail drop section and customer access door must be large enough to accommodate one test gauge, minimum.
5. Handle shall be positioned within top $\frac{1}{3}$ of carrier service door and provide 1.00" min. finger clearance.

Notes con't:

6. A mat insert and other forming techniques are acceptable. Floor shall have a min 1:40 slope from back to front.
7. Optional location of customer access door.
8. Letters can be placed on backside of the carrier service door, eliminating need for an out-going mail compartment, provided mail does not fall out when door is open.
9. Front edge of flag must not be set back more than 2.00" when measured from front wall of mailbox.
10. This feature is not applicable for limited service mail boxes.

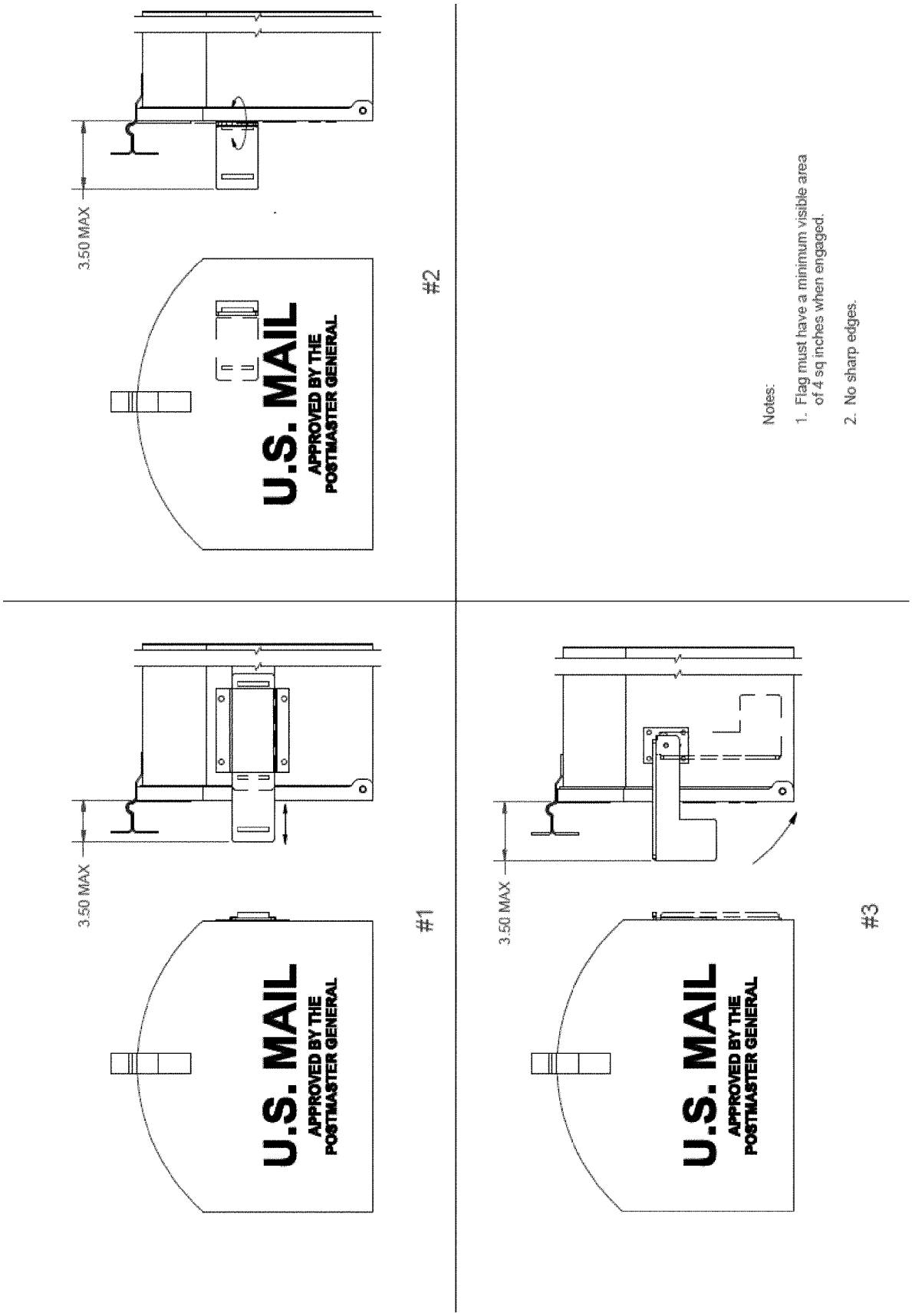


RIBBED FLOOR DETAIL
DETAIL A

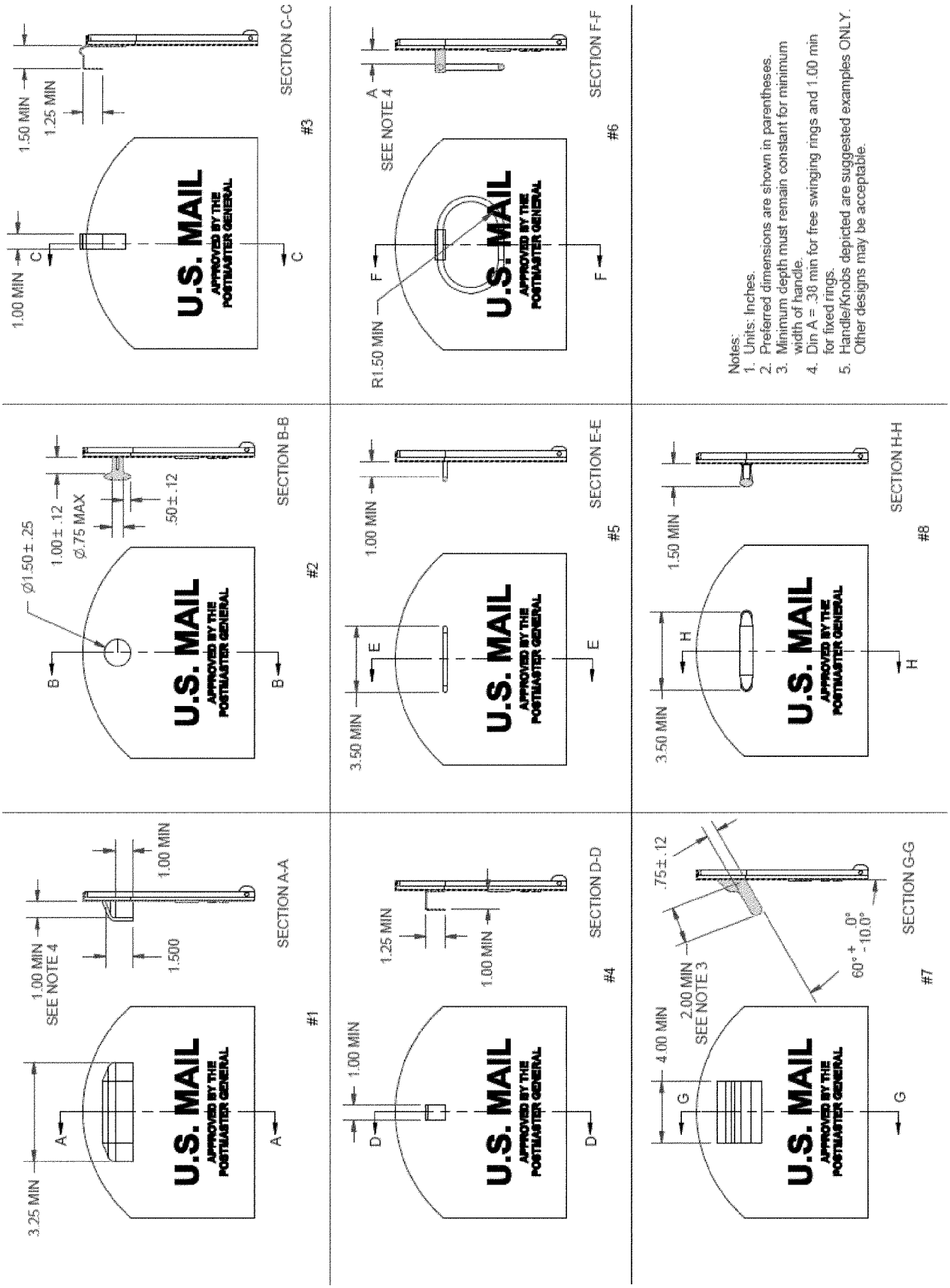
DIM	MIN	MAX
A	---	---
B	---	---
C	---	---
D	13.25	18.00
E	7.25	13.50

UNITS: INCHES

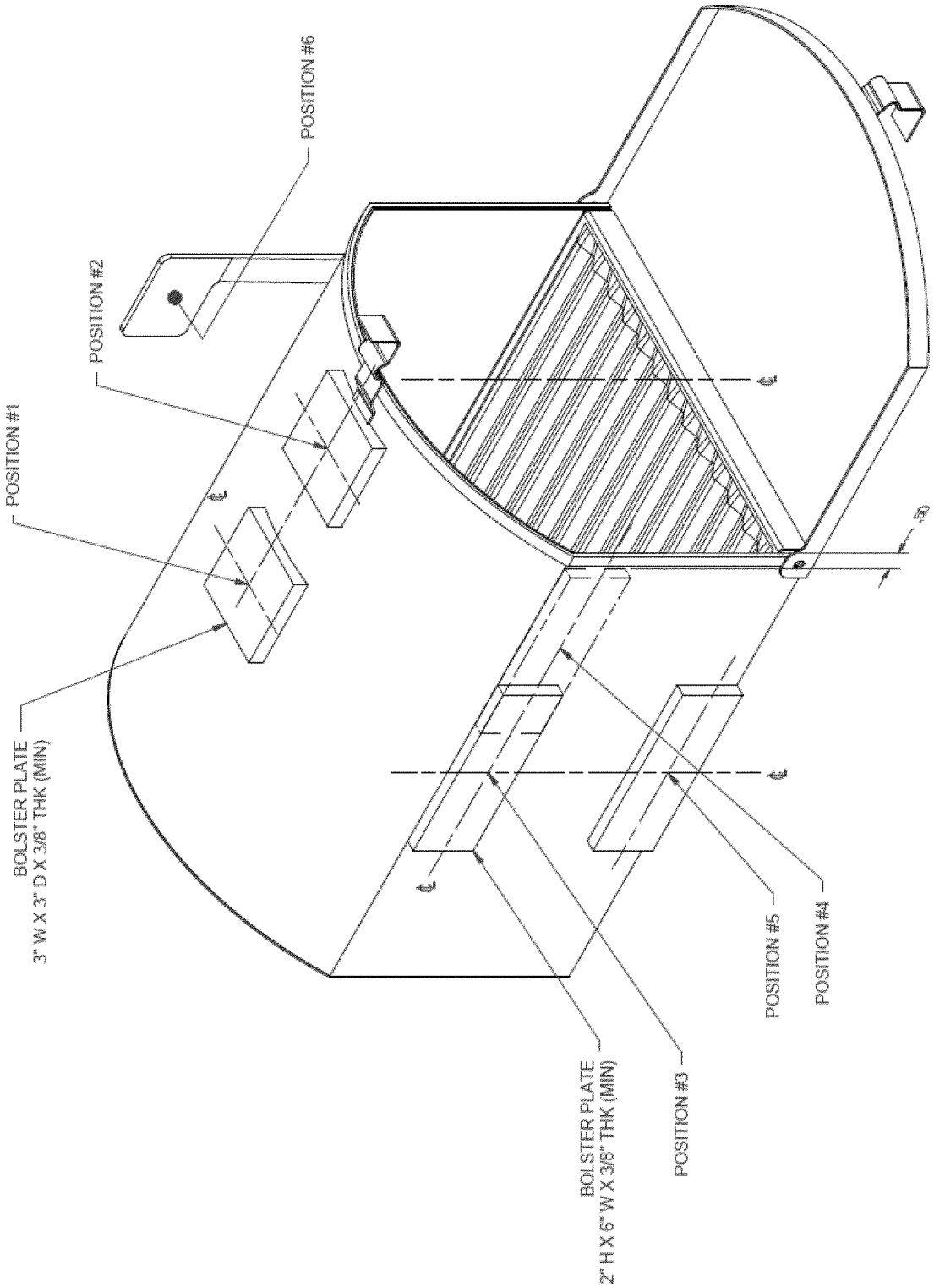
LOCKED MAILBOX
(FULL SERVICE SHOWN)
FIGURE 3



ALTERNATE FLAG DESIGN
FIGURE 4



HANDLE/KNOB DESIGNS
FIGURE 5



DIRECTION OF LOADS
NON-LOCKED MAILBOX
(FULL SERVICE)
FIGURE 6

Appendix A

USPS–Approved Independent Test Laboratories

To obtain the latest list of USPS-approved test labs, contact: USPS ENGINEERING SYSTEMS, DELIVERY AND RETAIL TECHNOLOGY, 8403 LEE HIGHWAY, MERRIFIELD, VA 22082–8101.

Additional test laboratories may be added provided they satisfy USPS certification criteria. Interested laboratories should contact: USPS ENGINEERING, TEST EVALUATION AND QUALITY, 8403 LEE HIGHWAY, MERRIFIELD, VA 22082–8101.

[FR Doc. 2015–08342 Filed 4–13–15; 8:45 am]

BILLING CODE 7710–12–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0841; FRL–9926–17–Region 9]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the South Coast Air Quality Management District (SCAQMD or District) portion of the California State Implementation Plan (SIP). This revision concerns volatile organic compound (VOC) emissions from Large Confined Animal Facilities (LCAFs). We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by May 14, 2015.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2014–0841, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov*.
3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

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

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972–3848, *levin.nancy@epa.gov*.

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

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- A. What rule did the State submit?
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- D. Public Comment and Proposed Action

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IV. Statutory and Executive Order Reviews

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	223	Emission Reduction Permits for Large Confined Animal Facilities.	06/02/06	03/17/09

On April 20, 2009, EPA determined that the submittal for SCAQMD Rule 223 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

There are no previous versions of Rule 223 in the SIP, and the District has not adopted earlier versions of this rule.

C. What is the purpose of the submitted rule?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Rule 223 establishes permitting requirements for LCAFs and establishes a menu of management practice options that LCAF owner/operators must select from and implement. The rule requirements apply to large operations above specified size thresholds, including dairies with at least 1,000 milking cows and poultry facilities with at least 650,000 birds. The rule requires these operations to apply for and obtain an SCAQMD permit that includes a mitigation plan with measures as listed in an appendix to the rule.

EPA's technical support document (TSD) has more information about this rule.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

The Los Angeles-South Coast air basin is an ozone nonattainment area classified as extreme for the 1-hour ozone, 1997 8-hour ozone, and 2008 8-hour ozone national ambient air quality standards (NAAQS).

Guidance and policy documents that we use to evaluate enforceability and revision/relaxation requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. It contains clear thresholds and control requirements, and it strengthens the SIP by adding new controls for LCAFs.

The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule(s)

In our TSD we identify additional control options that may be reasonably available for implementation in the Los Angeles-South Coast area (see ''Additional Recommendations'') and that we recommend for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements. We will accept comments from the public on this proposal until May 14, 2015. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference South Coast Air Quality Management District Rule 223—Emission Reduction Permits for Large Confined Animal Facilities, as listed in Table 1 of this notice. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 30, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–08469 Filed 4–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0082; 9926–15–Region 9]

Revisions to the California SIP, Ventura & Eastern Kern Air Pollution Control Districts; Permit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Ventura County Air Pollution Control District (VCAPCD) and Eastern Kern Air Pollution Control District (EKAPCD) portions of the California State Implementation Plan (SIP). These revisions clarify, update, and revise exemptions from New Source Review (NSR) permitting requirements, for various air pollution sources.

DATES: Any comments must arrive by May 14, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–

OAR–2015–0082, by one of the following methods:

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

2. *Email: R9airpermits@epa.gov.*

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

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

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Larry Maurin, EPA Region IX, (415) 972–3943, *maurin.lawrence@epa.gov.*

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

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B. Do the rules meet the evaluation criteria?
C. EPA Recommendations To Further Improve the Rules
D. Public Comment and Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal, including the dates they were revised by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Revision date	Submittal date
VCAPCD	23	Exemption from Permit	11/12/13	05/13/14
EKAPCD	202	Permit Exemptions	01/13/11	06/21/11

On July 15, 2011 and July 18, 2014, EPA determined that the submittal for EKAPCD Rule 202 and VCAPCD Rule 23, respectively, met the completeness criteria in 40 CFR part 51 Appendix V. The completeness criteria must be met before formal EPA review.

B. Are there other versions of these rules?

We approved an earlier version of VCAPCD Rule 23 into the SIP on December 7, 2000 (65 FR 76567). Since the last approval of Rule 23 into the SIP, VCAPCD has adopted revisions on November 11, 2003; April 13, 2004; October 12, 2004; September 12, 2006; April 8, 2008; and April 12, 2011.

EKAPCD Rule 202 was last approved into the SIP on July 6, 1982 (47 FR 29231). Since the last approval of Rule 202 into the SIP, EKAPCD has adopted revisions on April 25, 1983; November 18, 1985; August 22, 1989; April 30, 1990; August 19, 1991; May 2, 1996; January 8, 1998; March 13, 2003; and January 8, 2004.

All of these revisions were submitted to EPA; however, EPA has not taken action on any of these submittals. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals.

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

Section 110(a) of the Clean Air Act (CAA) requires states to submit regulations that control volatile organic compounds, nitrogen oxides, particulate matter and other air pollutants which harm human health and the environment. Permitting rules were developed as part of the local air district's programs to control these pollutants.

The purposes of VCAPCD Rule 23 (Exemption from Permit) and EKAPCD Rule 202 (Permit Exemptions) are to identify when a new or modified source is exempted from the requirement to obtain a permit prior to construction. Rule 202 also requires recordkeeping to verify and maintain any exemption.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

The relevant statutory provisions for our review of the new and existing exemptions in the submitted rules include CAA sections 110(a) and 110(l). Section 110(a) requires that SIP rules be enforceable, while section 110(l) precludes EPA approval of SIP revisions that would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. In addition, for satisfying CAA section 110(a)(2)(C), we have reviewed the submitted rules for compliance with EPA implementing regulations for NSR, including 40 CFR 51.160 through 40 CFR 51.165.

B. Do the rules meet the evaluation criteria?

1. Attainment Status of VCAPCD and EKAPCD

Ventura County is designated as a serious nonattainment area for the 2008 and 1997 federal 8-hour ozone National Ambient Air Quality Standards (NAAQS). It is designated as attainment or unclassifiable for all other NAAQS.

Eastern Kern County is designated as a marginal and moderate nonattainment area for the 2008 and 1997 federal 8-hour ozone NAAQS, respectively, and as a serious nonattainment area for the PM_{10} NAAQS. It is designated as attainment or unclassifiable for all other NAAQS.

2. Minor NSR Permitting Requirements and Analysis

The revised VCAPCD and EKAPCD rules affect the minor source NSR programs by revising existing exemptions, adding new exemptions, and exempting minor agricultural sources with emissions less than 50 percent of the major source thresholds.

The requirements in 40 CFR 51.160, subsections (a) through (e), provide the basis for evaluating exemptions from NSR permitting. The basic purpose of NSR permitting is set forth in 40 CFR 51.160(a), requiring NSR SIPs to set forth legally enforceable procedures that enable the State or local agency to determine whether the construction or modification of a stationary source would result in a violation of applicable portions of the control strategy, or would interfere with attainment or maintenance of a NAAQS. Section 51.160(e) provides that the procedures must identify types and sizes of stationary sources that will be subject to NSR permitting review. We view this provision as allowing a State to exempt certain types and sizes of stationary sources so long as the program continues to serve the purposes outlined in 40 CFR 51.160(a). Thus, the revised and new exemptions discussed in detail in the TSDs, and the exemptions for non-major agricultural sources whose actual emissions (excluding fugitive emissions) are less than 50 percent of the major source thresholds are approvable so long as the minor source permitting programs (*i.e.* including the exemptions) continue to provide the necessary information to allow the Districts to determine whether construction of new or modified stationary sources would result in a violation of applicable portions of the control strategies or would result in interference with attainment or maintenance of a NAAQS.

Under 40 CFR 51.160, the Districts have discretion in conducting the minor sources permitting programs to exempt certain small or de minimus sources. Congress directed the States and Districts to exercise the primary responsibility under the CAA to tailor air quality control measures, including minor source permitting programs, to the State's needs. See *Train* v. *NRDC,* 421 U.S. 60, 79 (1975) (States make the primary decisions over how to achieve CAA requirements); *Union Electric Co.* v. *EPA,* 427 U.S. 246 (1976); *Greenbaum* v. *EPA,* 370 F.3d 527 (6th Cir. 2006).

EPA has reviewed the submitted VCAPCD and EKAPCD rules in accordance with CAA Section 110(a) and 40 CFR 51.160 as described above. In our evaluation, EPA has determined that the emissions which may result from the revised and new exemptions set forth in the submitted VCAPCD and EKAPCD rules meet acceptable de minimus criteria as allowed in 40 CFR 51.160(e). See the attached TSDs for each district for more information on these revised and new exemptions.

The submitted rules also add a new exemption for new or modified minor agricultural sources whose actual emissions (excluding fugitive PM_{10}) would be less than 50% of the applicable major source thresholds. With respect to such minor agricultural sources, we conclude that this exemption is approvable because, as discussed in more detail below in addressing CAA Section 110(l), the exemption will not result in a violation of applicable portions of the control strategies and would not result in interference with attainment or maintenance of a NAAQS.

EPA has also evaluated the revised VCAPCD Rule 23 and EKAPCD Rule 202 for consistency with CAA Section 110(l) requirements. As noted above, the new exemptions in Rule 23, would result in de minimus increases in emissions. For the new exemption for new or modified minor agricultural sources whose actual emissions (excluding fugitive PM_{10}) would be less than 50% of the applicable major source thresholds, EPA has determined that this exemption would not interfere with reasonable further progress and attainment of any of the NAAQS in Ventura County or any other applicable requirement of the CAA and thus is approvable under sections 110(l) because of (1) the limited nature of all new exemptions, (2) the presence of other regulatory controls for exempt agricultural sources, (3) the low background concentrations for the NAAQS pollutants in Ventura County other than ozone, and (4) the fact that the submitted ozone plan for Ventura County does not rely on NSR controls for minor agricultural sources and shows that the downward trend in ozone precursor emissions in Ventura County is predicted to continue well into the future.

The new exemptions in EKAPCD Rule 202 will result in de minimus increases in emissions and would result in a strengthening of the SIP. For the new exemption for new or modified minor agricultural sources whose actual emissions (excluding fugitive PM_{10}) would be less than 50% of the applicable major source thresholds, EPA has determined that this exemption would not interfere with reasonable further progress and attainment of any of the NAAQS in the EKAPCD or any other applicable requirement of the CAA and thus is approvable under CAA Section 110(l). Similar to Ventura County, these revisions are approvable for EKAPCD under section 110(l) of the Act because of (1) the limited nature of all new exemptions, (2) the narrowing of several existing exemptions, (3) the presence of other regulatory controls for exempt agricultural sources, (4) the low ambient concentrations for the NAAQS pollutants in EKAPCD other than ozone, and (5) emissions projections that assume no NSR controls for minor agricultural sources yet the emissions projections decline or hold steady well into the future for PM_{10} and the ozone precursors.

The TSDs for each District rule have more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agencies modify the rules.

D. Public Comment and Final Action

Because EPA considers the submitted rules to fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

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

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the VCAPCD and EKAPCD rules regarding exemptions from permit requirements discussed in section I.A of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 20, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–08467 Filed 4–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0254; FRL–9926–00–Region 8]

Determinations of Attainment of the 1997 Annual Fine Particulate Matter Standards for the Libby, Montana Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to make two separate and independent determinations regarding the Libby, Montana nonattainment area for the 1997 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). First, EPA is proposing to determine that the Libby nonattainment area attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date, April 2010. This proposed determination is based on quality-assured and certified ambient air quality data for the 2007–2009 monitoring period. Second, EPA is proposing that the Libby nonattainment area has continued to attain the 1997 annual $PM_{2.5}$ NAAQS, based on quality-assured and certified ambient air quality data for the 2012–2014 monitoring period. Based on the second determination, EPA also proposes to suspend certain nonattainment area planning obligations. These determinations do not constitute a redesignation to attainment. The Libby nonattainment area will remain designated nonattainment for the 1997 annual $PM_{2.5}$ NAAQS until such time as EPA determines that the Libby nonattainment area meets the Clean Air Act (CAA) requirements for redesignation to attainment, including an approved maintenance plan. These proposed actions are being taken under the CAA.

DATES: Written comments must be received on or before May 14, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2014–0254, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Email: *ostigaard.crystal@epa.gov.*
- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- Mail: Carl Daly, Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- Hand Delivery: Carl Daly, Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2014–0254. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be

able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: 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.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, 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: Crystal Ostigaard, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

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

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. The $PM_{2.5}$ NAAQS

On July 18, 1997 (62 FR 38652), EPA established a health-based $PM_{2.5}$ NAAQS at 15.0 micrograms per cubic meter (μg/m³) based on a 3-year average of annual mean $PM_{2.5}$ concentrations (''the 1997 annual $PM_{2.5}$ NAAQS'' or ''the 1997 annual standard''). At that time, EPA also established a 24-hour standard of 65 μg/m³ (the ''1997 24-hour standard''). *See* 40 CFR 50.7. On October 17, 2006 (71 FR 61144), EPA retained the 1997 annual $PM_{2.5}$ NAAQS at 15 μg/m³ based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and promulgated a 24-hour standard of 35 μg/m³ based on a 3-year average of the 98th percentile of 24-hour concentrations (the ''2006 24-hour standard'').

On January 15, 2013 (78 FR 3086), EPA lowered the primary annual $PM_{2.5}$ NAAQS from 15.0 to 12.0 μg/m³. EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS, and the 1997 secondary annual $PM_{2.5}$ NAAQS. EPA also retained the existing standards for coarse particulate pollution (PM_{10}). This rulemaking action proposes determinations solely for the 1997 annual $PM_{2.5}$ standard. It does not address the 1997 or 2006 24-hour $PM_{2.5}$ standards or the 2012 $PM_{2.5}$ annual NAAQS.

B. The Libby Nonattainment Area

On January 5, 2005 (70 FR 944), EPA promulgated our air quality designations for the 1997 $PM_{2.5}$ NAAQS based upon air quality monitoring data for calendar years 2001–2003. These designations became effective on April 5, 2005. The Libby nonattainment area is comprised of the City of Libby within Lincoln County. *See* 40 CFR 81.327.

In response, the State of Montana submitted State Implementation Plan (SIP) revisions on June 26, 2006 and March 26, 2008 intended to meet planning requirements for the Libby nonattainment area. In particular, based on section 172(a)(2)(A) of the CAA and the April 5, 2005 effective date of designation as nonattainment, the attainment plan identified April 2010 as the applicable attainment date.[1] The state's attainment plan accordingly showed attainment by that date.

On September 14, 2010 (75 FR 55713), EPA proposed to approve Montana's attainment plan. EPA proposed this action in accordance with the ''Final Clean Air Fine Particle Implementation Rule,'' 72 FR 20586 (Apr. 25, 2007), which EPA issued to assist states in their development of SIPs to meet the Act's attainment planning requirements for the 1997 $PM_{2.5}$ NAAQS. We received no adverse comments on our proposal, which we finalized on March 17, 2011 (76 FR 14584).

III. Summary of Proposed Action

EPA is proposing two separate and independent determinations regarding the Libby nonattainment area. First, pursuant to section 188(b)(2) of the CAA, EPA is proposing to make a determination that the Libby nonattainment area attained the 1997 annual $PM_{2.5}$ NAAQS by the area's attainment date, April 2010. This proposed determination is based upon quality-assured and certified ambient air monitoring data for the 2007–2009 monitoring period that shows the area has monitored attainment of the 1997 $PM_{2.5}$ annual NAAQS for that period.

EPA is also proposing to make a determination that the Libby nonattainment area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. This proposed ''clean data'' determination is based upon quality-assured and certified ambient air monitoring data that shows the area has monitored attainment of the 1997 $PM_{2.5}$ NAAQS for the 2012–2014 monitoring period. If EPA finalizes this determination, any remaining requirements for the Libby

[1] Under CAA section 172(a)(2)(A), the attainment date for a nonattainment area is ''the date by which attainment can be achieved as expeditiously as practicable, but no later than five years from the date such area was designated nonattainment,'' except that EPA may extend the attainment date as appropriate ''for a period no greater than 10 years from the date of designation as nonattainment, considering the severity of nonattainment and the availability and feasibility of pollution control measures.''

nonattainment area under subpart 4, part D, title I of the CAA regarding an attainment demonstration, reasonably available control measures (RACM), reasonable further progress (RFP), and contingency measures related to attainment of the 1997 annual $PM_{2.5}$ NAAQS shall be suspended for so long as the area continues to attain the NAAQS.[2]

IV. EPA's Analysis of the Relevant Air Quality Data

The Montana Department of Environmental Quality (MDEQ) submitted quality-assured air quality monitoring data into the EPA Air Quality System (AQS) database for 2007–2009 and subsequently certified that data. EPA's evaluation of this data shows that the Libby nonattainment area had attained the 1997 annual $PM_{2.5}$ NAAQS by April 2010. Additionally, the data set from the three most recent years, 2012–2014 (which is also quality-assured and certified), shows that the Libby nonattainment area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. The data is summarized in Tables 1 and 2 below. Additional information on the air quality data found in AQS for the Libby nonattainment area can be found in the docket for this action.

The criteria for determining if an area is attaining the 1997 annual $PM_{2.5}$ NAAQS are set out in 40 CFR 50.13 and 40 CFR part 50, Appendix N. The 1997 annual $PM_{2.5}$ primary and secondary standards are met when the annual design value is less than or equal to 15.0 μg/m³. Three years of valid annual means are required to produce a valid annual standard design value. A year meets data completeness requirements when at least 75 percent of the scheduled sampling days for each quarter have valid data. The use of less than complete data is subject to the approval of EPA, which may consider factors such as monitoring site closures/moves, monitoring diligence, and nearby concentrations in determining whether to use such data.

This proposed determination of attainment for the Libby nonattainment area is based on EPA's evaluation of quality-controlled, quality-assured, and certified annual $PM_{2.5}$ air quality data for the 2007–2009 and 2012–2014 monitoring periods. There is one $PM_{2.5}$ monitor in the Libby nonattainment area (AQS Site ID 30–053–0018). This monitor had complete data for all quarters in the years 2007 through 2014, except for one calendar quarter in 2011.[3] The monitoring data and calculated design values for the Libby nonattainment area are summarized in Table 1 for the 2007–2009 monitoring period and in Table 2 for the 2012–2014 monitoring period.

TABLE 1—2007–2009 LIBBY NONATTAINMENT AREA ANNUAL $PM_{2.5}$ MONITORING DATA AND COMPLETENESS

Location	Site ID	Annual mean			2007–2009 Design Value (μg/m³)	Complete quarters			Complete data?
		2007	2008	2009		2007	2008	2009	
City of Libby	30–053–0018	13.0	12.9	10.7	12.2	4	4	4	Yes.

TABLE 2—2012–2014 LIBBY NONATTAINMENT AREA ANNUAL $PM_{2.5}$ MONITORING DATA AND COMPLETENESS

Location	Site ID	Annual mean			2007–2009 Design Value (μg/m³)	Complete quarters			Complete data?
		2012	2013	2014		2012	2013	2014	
City of Libby	30–053–0018	11.3	10.9	9.3	10.5	4	4	4	Yes.

Consistent with the requirements contained in 40 CFR part 50, EPA has reviewed the $PM_{2.5}$ ambient air monitoring data for the monitoring periods 2007–2009 and 2012–2014 for the Libby nonattainment area, as recorded in the AQS database. On the basis of that review, EPA proposes to determine that the Libby nonattainment area (1) attained the 1997 annual $PM_{2.5}$ NAAQS by the attainment date, based on data for the 2007–2009 monitoring period, and (2) continued to attain during the 2012–2014 monitoring period.

V. Effect of Proposed Determinations of Attainment for 1997 $PM_{2.5}$ NAAQS Under Subpart 4 of Part D of Title I of the CAA (Subpart 4)

This section and section VI of EPA's proposal addresses the effects of a final clean data determination and a final determination of attainment by the attainment date for the Libby nonattainment area. For the 1997 annual $PM_{2.5}$ standard, EPA's ''Final Clean Air Fine Particle Implementation Rule,'' 72 FR 20586 (Apr. 25, 2007), embodied EPA's ''Clean Data Policy'' interpretation under subpart 1 of Part D of Title I of the CAA (subpart 1). As promulgated by the rule, the provisions of 40 CFR 51.004 set forth the effects of a determination of attainment for the 1997 $PM_{2.5}$ standard.

On January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), the D.C. Circuit remanded to EPA the ''Final Clean Air Fine Particle Implementation Rule'' and the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule, 73 FR 28321 (May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule'' or ''Implementation Rule''). The Court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant solely to the general implementation provisions of subpart 1, part D, title I of the CAA, rather than the particulate-matter-specific provisions of subpart 4. The Court remanded EPA's Implementation Rule for further proceedings consistent with the Court's decision.

In light of the Court's decision and its remand of the Implementation Rule, EPA finalized the ''Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS'' on June 2, 2014 (79 FR 31566), (''$PM_{2.5}$ Classification and Deadline Rule''). This rulemaking classified the Libby nonattainment area as ''Moderate'' for the 1997 annual $PM_{2.5}$ NAAQS. Under

[2] Even if these requirements are suspended, EPA is not precluded from acting upon these elements at any time if submitted by the State to EPA for review and approval.

[3] The Libby nonattainment area monitor had less than complete data capture in 2011, due to quality assurance issues.

section 188 of the CAA, all areas designated nonattainment under subpart 4 would initially be classified by operation of law as ''Moderate'' nonattainment areas, and would remain Moderate nonattainment areas unless and until EPA reclassifies the area as a ''Serious'' nonattainment area or redesignates the area to attainment. Accordingly, it is appropriate to limit the evaluation of the potential impact of subpart 4 requirements to those that would be applicable to Moderate nonattainment areas. Sections 189(a) and (c) of subpart 4 apply to Moderate nonattainment areas and include an attainment demonstration (section 189(a)(1)(B)); provisions for RACM (section 189(a)(1)(C)); and quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)).

As set forth in more detail below, under EPA's Clean Data Policy interpretation, a determination that the area has attained the standard suspends the state's obligation to submit attainment-related planning requirements of subpart 4 (and the applicable provisions of subpart 1) for so long as the area continues to attain the standard. These include requirements to submit an attainment demonstration, RFP, RACM, and contingency measures, because the purpose of these provisions is to help reach attainment, a goal which has already been achieved.

A. Background on Clean Data Policy

Over the past two decades, EPA has consistently applied its Clean Data Policy interpretation to attainment-related provisions of subparts 1, 2, and 4. The Clean Data Policy is the subject of several EPA memoranda and regulations. In addition, numerous individual rulemakings published in the **Federal Register** have applied the interpretation to a spectrum of NAAQS, including the 1-hour and 1997 ozone, PM_{10}, $PM_{2.5}$, carbon monoxide (CO) and lead (Pb) standards. The D.C. Circuit has upheld the Clean Data Policy interpretation as embodied in EPA's 1997 8-Hour Ozone Implementation Rule, 40 CFR 51.918.[4] *NRDC* v. *EPA,* 571 F. 3d 1245 (D.C. Cir. 2009). Other U.S. Circuit Courts of Appeals that have considered and reviewed EPA's Clean Data Policy interpretation have upheld it and the rulemakings applying EPA's interpretation. *Sierra Club* v. *EPA,* 99 F. 3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005) (memorandum opinion); *Latino Issues Forum,* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. Mar. 2, 2009) (memorandum opinion).

As noted above, EPA incorporated its Clean Data Policy interpretation in both its 8-Hour Ozone Implementation Rule and in its $PM_{2.5}$ Implementation Rule. While the D.C. Circuit, in its January 4, 2013 decision, remanded the 1997 $PM_{2.5}$ Implementation Rule, the Court did not address the merits of that portion of the rule, nor cast doubt on EPA's existing interpretation of the statutory provisions.

However, in light of the Court's decision, EPA's Clean Data Policy interpretation under subpart 4 is set forth here, for the purpose of identifying the effects of a determination of attainment for the 1997 annual $PM_{2.5}$ standard for the Libby nonattainment area. EPA has previously articulated its Clean Data interpretation under subpart 4 in implementing the PM_{10} standard. *See, e.g.,* 75 FR 27944 (May 19, 2010) (determination of attainment of the PM_{10} standard in Coso Junction, California); 71 FR 6352 (Feb. 8, 2006) (Ajo, Arizona Area); 71 FR 13021 (Mar. 14, 2006) (Yuma, Arizona Area); 71 FR 40023 (July 14, 2006) (Weirton, West Virginia Area); 71 FR 44920 (Aug. 8, 2006) (Rillito, Arizona Area); 71 FR 63642 (Oct. 30, 2006) (San Joaquin Valley, California Area); 72 FR 14422 (Mar. 28, 2007) (Miami, Arizona Area); 75 FR 27944 (May 19, 2010) (Coso Junction, California Area). Thus, EPA has repeatedly established that, under subpart 4, an attainment determination suspends the obligations to submit an attainment demonstration, RACM, RFP, contingency measures, and other measures related to attainment.

B. Application of the Clean Data Policy to Attainment-Related Provisions of Subpart 4

In EPA's proposed and final rulemaking actions determining that the San Joaquin Valley nonattainment area attained the PM_{10} standard, EPA set forth at length its rationale for applying the Clean Data Policy to PM_{10} under subpart 4. The Ninth Circuit upheld EPA's final rulemaking, and specifically EPA's Clean Data Policy, in the context of subpart 4. *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. Mar. 2, 2009) (memorandum opinion). In rejecting the petitioner's challenge to the Clean Data Policy under subpart 4 for PM_{10}, the Ninth Circuit stated, ''As the EPA explained, if an area is in compliance with PM_{10} standards, then further progress for the purpose of ensuring attainment is not necessary.''

The general requirements of subpart 1 apply in conjunction with the more specific requirements of subpart 4, to the extent they are not superseded or subsumed by the subpart 4 requirements. Subpart 1 contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4, itself, contains specific planning and scheduling requirements for PM_{10} nonattainment areas, and under the Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See,* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (Apr. 16, 1992) (the ''General Preamble''). In the General Preamble, EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements.'' *Id.* at 13538. These subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

EPA has long interpreted the provisions of subpart 1 (section 171 and 172) as not requiring the submission of RFP for an area already attaining the ozone NAAQS. For an area that is attaining, showing that the state will make RFP towards attainment ''will, therefore, have no meaning at that point.'' General Preamble, 57 FR 13564. *See also* 71 FR 40952 (July 19, 2006) and 71 FR 63642 (October 30, 2006) (proposed and final determination of attainment for San Joaquin Valley); 75 FR 13710 (March 23, 2010) and 75 FR 27944 (May 19, 2010) (proposed and final determination of attainment for Coso Junction).

Section 189(c)(1) of subpart 4 states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section [section 171(1)] of this title, toward attainment by the applicable date.

With respect to RFP, section 171(1) states that, for purposes of part D, RFP

[4] ''EPA's Final Rule to implement the 8-Hour Ozone National Ambient Air Quality Standard-Phase 2 (Phase 2 Final Rule)'' (70 FR 71612, 71645–46; November 29, 2005).

''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM_{10} areas of section 189(c)(1), the stated purpose of RFP is to ensure attainment by the applicable attainment date.

Although section 189(c) states that revisions shall contain milestones which are to be achieved until the area is redesignated to attainment, such milestones are designed to show RFP ''toward attainment by the applicable attainment date,'' as defined by section 171. Thus, it is clear that once the area has attained the standard, no further milestones are necessary or meaningful. This interpretation is supported by language in section 189(c)(3), which mandates that a state that fails to achieve a milestone must submit a plan that assures that the state will achieve the milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS.

In the General Preamble, EPA noted with respect to section 189(c) that the purpose of the milestone requirement ''is to 'provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep. No. 490 101st Cong., 2d Sess. 267 (1990)).'' 57 FR 13539. If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled.[5]

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration . . . that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. This is consistent with the position that EPA took with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 EPA memorandum from John S. Seitz, ''Reasonable Further Progress, Attainment Demonstrations, and Related Requirements for the Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' (the ''1995 Seitz memorandum'') with respect to the requirements of section 182(b) and (c). In the 1995 Seitz memorandum, EPA also noted that section 182(g), the milestone requirement of subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated:

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP submission either. *See,* 1995 Seitz memorandum at page 5.

With respect to the attainment demonstration requirements of section 172(c) and section 189(a)(1)(B), an analogous rationale leads to the same result. Section 189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date . . .'' As with the RFP requirements, if an area is already monitoring attainment of the standard, EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of the section 172(c) requirements provided by EPA in the General Preamble, and the section 182(b) and (c) requirements set forth in the 1995 Seitz memorandum. As EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' 57 FR 13564.

Other SIP submission requirements are linked with these attainment demonstration and RFP requirements, and similar reasoning applies to them. These requirements include the contingency measure requirements of sections 172(c)(9). EPA has interpreted the contingency measure requirements of sections 172(c)(9)[6] as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' 57 FR 13564; 1995 Seitz memorandum, pp. 5–6.

Section 172(c)(9) provides that SIPs in nonattainment areas:

> . . . shall provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the [NAAQS] by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or [EPA].

The contingency measure requirement is inextricably tied to the RFP and attainment demonstration requirements. Contingency measures are implemented if RFP targets are not achieved, or if attainment is not realized by the attainment date. Where an area has already achieved attainment by the attainment date, it has no need to rely on contingency measures to come into attainment or to make further progress to attainment. As EPA stated in the General Preamble: ''The section 172(c)(9) requirements for contingency measures are directed at ensuring RFP and attainment by the applicable date.'' *See* 57 FR 13564. Thus these requirements no longer apply when an area has attained the standard.

Both sections 172(c)(1) and 189(a)(1)(C) require ''provisions to assure that reasonably available control measures'' (*i.e.,* RACM) are implemented in a nonattainment area. The General Preamble, (57 FR 13560; April 16, 1992), states that EPA interprets section 172(c)(1) so that RACM requirements are a ''component'' of an area's attainment demonstration. Thus, for the same reason the attainment demonstration no longer applies by its own terms, the requirement for RACM no longer applies. EPA has consistently interpreted this provision to require only implementation of potential RACM measures that could contribute to RFP

[5] Thus, EPA believes that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated attainment,'' as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in sections 182(b)(1) or 182(c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) defines RFP by reference to section 171(1) of the CAA. The reference to section 171(1) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. 7501(1). As discussed in the text of this rulemaking, EPA interprets the RFP requirements, in light of the definition of RFP in section 171(1), and incorporated in section 189(c)(1), to be a requirement that no longer applies once the standard has been attained.

[6] And section 182(c)(9) for ozone.

or to attainment. General Preamble, 57 FR 13498. Thus, where an area is already attaining the standard, no additional RACM measures are required.[7] EPA is interpreting section 189(a)(1)(C) consistent with its interpretation of section 172(c)(1).

The suspension of the obligations to submit SIP revisions concerning these RFP, attainment demonstration, RACM, contingency measure and other related requirements exists only for as long as the area continues to monitor attainment of the standard. If EPA determines, after notice-and-comment rulemaking, that the area has monitored a violation of the NAAQS, the basis for the requirements being suspended would no longer exist. In that case, the area would again be subject to a requirement to submit the pertinent SIP revision or revisions and would need to address those requirements. Thus, a final determination that the area need not submit one of the pertinent SIP submittals amounts to no more than a suspension of the requirements for so long as the area continues to attain the standard. Only if and when EPA redesignates the area to attainment would the area be relieved of these submission obligations. Attainment determinations under the Clean Data Policy do not shield an area from obligations unrelated to attainment in the area, such as provisions to address pollution transport.

As set forth previously, based on our proposed determination that the Libby nonattainment area is currently attaining the 1997 annual $PM_{2.5}$ NAAQS, EPA proposes to find that any remaining obligations under subpart 4 to submit planning provisions to meet the requirements for an attainment demonstration, RFP plans, RACM, and contingency measures are suspended for so long as the area continues to monitor attainment of the 1997 annual $PM_{2.5}$ NAAQS. If in the future, EPA determines after notice-and-comment rulemaking that the area again violates the 1997 annual $PM_{2.5}$ NAAQS, the basis for suspending the attainment demonstration, RFP, RACM, and contingency measure obligations would no longer exist.

[7] EPA's interpretation that the statute requires implementation only of RACM measures that would advance attainment was upheld by the United States Court of Appeals for the Fifth Circuit, *Sierra Club* v. *EPA,* 314 F.3d 735, 743–745 (5th Cir. 2002), and the United States Court of Appeals for the D.C. Circuit, *Sierra Club* v. *EPA,* 294 F.3d 155, 162–163 (D.C. Cir. 2002).

VI. Determination of Attainment by the Attainment Date

As discussed in the Background section, on March 17, 2011 EPA approved April 2010 as the applicable attainment date for the Libby nonattainment area.[8] Consistent with the D.C. Circuit's 2013 decision and its remand of the Implementation Rule, on June 2, 2014 (79 FR 31566), EPA published a final rule classifying all areas currently designated nonattainment for the 1997 and/or 2006 $PM_{2.5}$ standards as Moderate under subpart 4. EPA also established a deadline of December 31, 2014 for states to submit attainment-related and nonattainment new source review SIP elements required for these areas under subpart 4. This rulemaking did not affect any action that EPA had previously taken under section 110(k) of the Act on a SIP for a $PM_{2.5}$ nonattainment area. Accordingly, EPA's March 17, 2011 approval of the April 2010 attainment date for the Libby nonattainment area remains in effect. Based on monitoring data from 2007–2009, EPA is proposing to determine that the Libby nonattainment area attained the 1997 annual $PM_{2.5}$ NAAQS by that attainment date. If we finalize this proposal, this will discharge EPA's obligation under CAA section 188(b)(2) to determine whether the area attained the standard by the applicable attainment date.

VII. Proposed Action

Pursuant to section 188(b)(2) of the CAA, EPA is proposing to determine that the Libby nonattainment area has attained the 1997 annual $PM_{2.5}$ NAAQS by the area's attainment date, April 2010. Separately and independently, EPA is proposing to determine, based on the most recent three years of quality-assured and certified data meeting the requirements of 40 CFR part 50, Appendix N, that the Libby nonattainment area is currently attaining the 1997 annual $PM_{2.5}$ NAAQS. In conjunction with and based upon our proposed determination that the Libby nonattainment area has attained and is currently attaining the standard, EPA proposes to determine that any remaining obligations under subpart 4, part D, title I of the CAA to submit the following attainment-related planning requirements are not applicable for so long as the area continues to attain the $PM_{2.5}$ standard: An attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of section 189(a)(1)(C), and the RFP provisions of section 189(c). This proposed rulemaking action, if finalized, would not constitute a redesignation to attainment under CAA section 107(d)(3). These proposed determinations are based upon quality-assured and quality certified ambient air monitoring data that show the area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS for the 2007–2009 and 2012–2014 monitoring periods.

[8] EPA's approval did not specifically identify the fifth of April as the attainment date. Regardless of the specific day in April, the monitoring data from the 2007–2009 period shows attainment by April 2010.

VIII. Statutory and Executive Orders Review

This rulemaking action proposes to make determinations of attainment based on air quality data, and would, if finalized, result in the suspension of certain federal requirements and would not impose additional requirements beyond those imposed by state law. For that reason, these proposed determinations of attainment:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 25, 2015.

Shaun L. McGrath,

Regional Administrator.

[FR Doc. 2015–08405 Filed 4–13–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 13–184 and 10–90; Report No. 3017]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by Charles F. Hobbs, on behalf of AdTec, Inc.; Jennifer Hightower, *et al.,* on behalf of Cox Communications, Inc.; Kathleen O'Brien Ham, *et al.,* on behalf of T-Mobile USA, Inc.; and Derrick B. Owens, *et al.,* on behalf of WTA—Advocates for Rural Broadband, *et al.*

DATES: Oppositions to the Petitions must be filed on or before April 29, 2015. Replies to an opposition must be filed on or before May 11, 2015.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bryan P. Boyle, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7924, email: *Bryan.Boyle@fcc.gov,* TTY (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 3017, released April 8, 2015. The full text of Report No. 3017 is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be accessed online via the Commission's Electronic Comment Filing System at *http://apps.fcc.gov/ecfs/.* The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A) because this notice does not have an impact on any rules of particular applicability.

Subject: Modernization of the Schools and Libraries ''E-Rate'' Program, published at 80 FR 5961, February 4, 2015, in WC Docket Nos. 13–184 and 10–90, and published pursuant to 47 CFR 1.429(e). *See also* § 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 4.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–08510 Filed 4–13–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2013–0002; 4500030113]

RIN 1018–AZ23

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Zuni Bluehead Sucker

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on the January 25, 2013, proposed designation of critical habitat for the Zuni bluehead sucker (*Catostomus discobolus yarrowi*) under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of the draft economic analysis, draft environmental assessment, and amended required determinations of the proposed designation. In addition, we are proposing revisions to the proposed critical habitat boundaries that would decrease our total proposed critical habitat designation for the Zuni bluehead sucker from approximately 475.3 kilometers (291.3 miles) to approximately 228.4 kilometers (141.9 miles). We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the revisions to the proposed critical habitat designation described in this document, the associated draft economic analysis and draft environmental assessment, and the amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: We will consider comments received or postmarked on or before May 14, 2015. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action.

ADDRESSES:

Document availability: You may obtain copies of the proposed rule, the draft economic analysis, and the draft environmental assessment on the Internet at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0002 or by mail from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Submit comments on the critical habitat proposal, draft economic analysis, and draft environmental assessment by searching for Docket No. FWS–R2–ES–2013–0002, which is the docket for this rulemaking.

(2) *By hard copy:* Submit comments on the critical habitat proposal, draft economic analysis, and draft environmental assessment by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2013–0002; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike MS: BPHC, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the **Public Comments** section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Wally ''J'' Murphy, Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE., Albuquerque, NM 87113; by telephone 505–346–2525; or

by facsimile 505–346–2542. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We are reopening the comment period for our proposed critical habitat designation for the Zuni bluehead sucker that was published in the **Federal Register** on January 25, 2013 (78 FR 5351). We are specifically seeking comments on the revisions to the proposed critical habitat designation described in this document, and on the draft economic analysis and the draft environmental assessment, which are now available, for the critical habitat designation; see **ADDRESSES** for information on how to submit your comments. We will consider information and recommendations from all interested parties. We are also particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*) including whether there are threats to the subspecies from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(2) Specific information on:

(a) The amount and distribution of Zuni bluehead sucker habitat;

(b) What areas, that were occupied at the time of listing (or are currently occupied) and that contain features essential to the conservation of the subspecies, should be included in the designation and why;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(d) What areas not occupied at the time of listing are essential for the conservation of the subspecies and why.

(3) Land use designations and current or planned activities in the subject areas and their probable impacts on proposed critical habitat.

(4) Information on the projected and reasonably likely impacts of climate change on the Zuni bluehead sucker and proposed critical habitat.

(5) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation; in particular, we seek information on any impacts on small entities or families, and the benefits of including or excluding areas that exhibit these impacts.

(6) Information on the extent to which the description of economic impacts in the draft economic analysis is complete and accurate and the description of the environmental impacts in the draft environmental assessment is complete and accurate.

(7) Whether any areas we are proposing for critical habitat designation, and specifically proposed critical habitat on Tribal lands owned by the Navajo Nation and Zuni Pueblo, should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(8) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

(9) Information about the habitat conditions within the proposed critical habitat designation for the Zuni bluehead sucker, especially the quality and quantities of the primary constituent elements (PCEs), particularly within the Rio Nutria above the Tampico Draw confluence, Rio Pescado, and Cebolla Creek.

If you submitted comments or information on the proposed critical habitat rule (78 FR 5351; January 25, 2013) during the initial comment period from January 25, 2013, to March 26, 2013, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in the preparation of our final rule. Our final determination concerning critical habitat will take into consideration all written comments and any additional information we receive during both comment periods. On the basis of public comments and other relevant information, we may, during the development of our final determination on the proposed critical habitat designation, find that areas proposed are not essential, are appropriate for exclusion under section 4(b)(2) of the Act, or are not appropriate for exclusion.

You may submit your comments and materials concerning the proposed critical habitat designation, draft economic analysis, or draft environmental assessment by one of the methods listed in the **ADDRESSES** section. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, the draft economic analysis, and the draft environmental assessment, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0002, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule, the draft economic analysis, and the draft environmental assessment on the Internet at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0002, or by mail from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

It is our intent to discuss only those topics directly relevant to the designation of critical habitat for the Zuni bluehead sucker in this document. For more information on previous Federal actions concerning the designation of critical habitat, refer to the proposed critical habitat rule, published in the **Federal Register** on January 25, 2013 (78 FR 5351). For more information on the Zuni bluehead sucker or its habitat, refer to the final listing rule, published in the **Federal Register** on July 24, 2014 (79 FR 43132) and the proposed critical habitat rule, published on January 25, 2013 (78 FR 5351), or contact the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Previous Federal Actions

On January 25, 2013, we concurrently published a proposed rule to list as endangered and a proposed rule to designate critical habitat for the Zuni bluehead sucker (78 FR 5369 and 78 FR 5351, respectively). We proposed to designate approximately 475.3 kilometers (km) (291.3 miles (mi)) in three units in McKinley, Cibola, and San Juan Counties, New Mexico, and Apache County, Arizona as critical

habitat. That proposal had a 60-day comment period, ending March 26, 2013.

After the publication of the proposed rules, we found there was substantial scientific disagreement regarding the taxonomic status of some populations that we considered Zuni bluehead sucker in the proposed listing rule. On January 9, 2014, we published in the **Federal Register** a document that reopened the comment period for the proposed listing rule and extended the final determination for the Zuni bluehead sucker by 6 months due to substantial disagreement regarding the Zuni bluehead sucker's taxonomic status in some locations (79 FR 1615). That comment period closed on February 10, 2014. Based on information received during the comment period, we revised the Zuni bluehead sucker's range in the final listing rule. An error was reported in the genetic data evaluated for the proposed listing rule (Schwemm and Dowling 2008, entire); the correct information led to the determination that the bluehead suckers in the Lower San Juan River watershed (proposed critical habitat Unit 3; San Juan River Unit) were bluehead suckers (*Catostomus discobolus*), not Zuni bluehead suckers (*Catostomus discobolus yarrowi*). Thus, the San Juan River Unit populations were no longer included in the final listing rule. We published in the **Federal Register** a final listing determination for the Zuni bluehead sucker on July 24, 2014 (79 FR 43132).

Critical Habitat

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Changes From Previously Proposed Critical Habitat

In this document, we are proposing revisions to the critical habitat designation for the Zuni bluehead that we proposed on January 25, 2013 (78 FR 5351). These revisions are based on information we received during the comment period. The best available information identifies that Zuni bluehead sucker does not occur in proposed Unit 3 (San Juan River Unit), and a portion of proposed Unit 1 (Zuni River Unit) does not meet the definition of critical habitat. We are not proposing any revisions to proposed Unit 2 (Kinlichee Creek Unit). As a result of the removal of proposed Unit 3 and a portion of Unit 1 from our proposed critical habitat designation, the total amount of proposed critical habitat for the Zuni bluehead sucker is decreased from approximately 475.3 kilometers (km) (291.3 miles (mi)) to approximately 228.4 km (141.9 mi).

Based on new information regarding the proposed Zuni River Unit (Unit 1), we are removing the Rio Pescado above Pescado Dam from the proposed critical habitat within the Zuni River Mainstem (Subunit 1b). We originally proposed 107.8 km (67.0 mi) along the Zuni River, Rio Pescado, and Cebolla Creek as critical habitat for the Zuni bluehead sucker in Subunit 1b. Although we considered the entire subunit to be unoccupied, we stated in the proposed designation that this subunit is essential for the conservation of the Zuni bluehead sucker because it provides for connection between populations and also provides space for the growth and expansion of the subspecies in this portion of its historical range. However, the presence of primary constituent elements in this unit had not been investigated in any detail at the time of the proposed critical habitat designation. Based upon further investigation, this area of the Rio Pescado (above Pescado Dam) is a dry wash with no running water present except during periods of rain; this reach likely never had perennial flow. As a result, stream habitat (pools, runs, riffles) and substrate (gravel, cobble) are absent, and the area does not meet the habitat needs for any life stage, nor does it provide connectivity to any population of Zuni bluehead sucker, nor do we expect that it ever was habitat for the subspecies in the past. Therefore, we are removing this portion of Subunit 1b from our proposed critical habitat designation because suitable habitat is absent and is unlikely to develop, and the segment is not essential to the conservation of the subspecies. The removal of critical habitat above Pescado Dam in Subunit 1b will reduce the total proposed critical habitat designation for Unit 1 from 182 km (113.1 mi) to 131.8 km (81.9 mi).

In addition to these revisions to proposed Unit 1, we are removing the entire San Juan River Unit (proposed Unit 3) from our proposed critical habitat designation; this area includes 196.8 km (118.2 mi) of Navajo Nation lands. We originally proposed two subunits within the San Juan River Unit. The proposed Subunit 3a (Canyon de Chelly) included 187.9 km (112.7 mi) along Tsaile Creek, Wheatfields Creek, Whiskey Creek, Coyote Wash, Crystal Creek, and Sonsela Creek in Apache County, Arizona, and San Juan County, New Mexico. In the proposed critical habitat designation, we stated that the Zuni bluehead sucker occupies all stream reaches in this subunit, and the subunit contains all of the primary constituent elements of the physical or biological features essential to the conservation of the subspecies. The proposed Subunit 3b (Little Whiskey Creek) included 8.9 km (5.5 mi) along Little Whiskey Creek in San Juan County, New Mexico. We identified this area as unoccupied in the proposed critical habitat designation, but we concluded that the area was essential to the conservation of the subspecies.

Since the proposed critical habitat designation, we concluded in the final listing determination (79 FR 43132, July 24, 2014) that the bluehead suckers in the Lower San Juan River watershed should not be recognized as part of the Zuni bluehead sucker subspecies. Rather, the best scientific and commercial information available, including peer review comments we received during the comment period for the 6-month extension (79 FR 1615, January 9, 2014), indicates that these populations in the proposed San Juan River Unit (Unit 3) are bluehead suckers rather than Zuni bluehead suckers. Therefore, while the originally proposed Unit 3 may be important for bluehead suckers, the originally proposed Unit 3 can no longer be considered essential for the conservation of the Zuni bluehead sucker. Therefore, we are removing the San Juan River Unit from proposed critical habitat.

Revised Proposed Unit Descriptions for the Zuni Bluehead Sucker

Table 1, below, shows the occupancy, land ownership, and approximate areas of the revised proposed critical habitat units for the Zuni bluehead sucker. Following the table, we present a revised description of Subunit 1b.

TABLE 1—REVISED PROPOSED CRITICAL HABITAT UNITS FOR ZUNI BLUEHEAD SUCKER

[Area estimates reflect all land within critical habitat unit boundaries]

Stream segment	Occupied at the time of listing	Land ownership	Length of unit in kilometers (miles)
Unit 1–Zuni River Unit			
Subunit 1a—Zuni River Headwaters			
Agua Remora	Yes	Forest Service	6.6 (4.1)
		Private	2.4 (1.5)
Rio Nutria	Yes	Zuni Pueblo	38.9 (24.2)
		Forest Service	4.1 (2.6)
		State of New Mexico	1.8 (1.1)
		Private	14.2 (8.8)
Tampico Draw	Yes	Forest Service	2.3 (1.4)
		Private	3.7 (2.3)
Tampico Spring	Yes	Private	0.2 (0.1)
Total			74.2 (46.1)
Subunit 1b—Zuni River Mainstem			
Zuni River	No	Zuni Pueblo	7.4 (4.6)
Rio Pescado	No	Zuni Pueblo	18.3 (11.4)
Cebolla Creek	No	Zuni Pueblo	3.7 (2.3)
		State of New Mexico	0.4 (0.2)
		Forest Service	6.4 (4.0)
		Private	21.4 (13.3)
Total			57.6 (35.8)
Unit 2—Kinlichee Creek Unit			
Subunit 2a—Kinlichee Creek			
Black Soil Wash	Yes	Navajo Nation	21.6 (13.4)
Kinlichee Creek	Yes	Navajo Nation	47.1 (29.3)
Scattered Willow Wash	Yes	Navajo Nation	18.2 (11.3)
Total			86.9 (54.0)
Subunit 2b—Red Clay Wash			
Red Clay Wash	No	Navajo Nation	9.6 (6.0)
Total			9.6 (6.0)

Note: Area sizes may not sum due to rounding.

Unit 1: Zuni River Unit

Subunit 1b: Zuni River Mainstem: Subunit 1b consists of 57.6 km (35.8 mi) of potential Zuni bluehead sucker habitat along the Zuni River, Rio Pescado (below Pescado Dam), and Cebolla Creek in McKinley and Cibola Counties, New Mexico. Land within this subunit is primarily owned by Zuni Pueblo and private landowners, with a small amount of Forest Service and State land. The Zuni bluehead sucker historically occupied these streams but has not been found in the Zuni River or Rio Pescado since the mid-1990s (NMDGF 2004, p. 5), and has been extirpated from Cebolla Creek since at least 1979 (Hanson 1980, pp. 29, 34). We consider this unit unoccupied. When wetted, the Zuni River and Rio Pescado (below Pescado Dam) could provide important connections between occupied reaches in Subunit 1a and potential future populations in Cebolla Creek, which has been identified as containing suitable habitat in the past and could provide for significant population expansion. Therefore, this subunit is essential for the conservation of the Zuni bluehead sucker because it provides for connection between populations and also provides for the growth and expansion of the subspecies in this portion of its historical range.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We may exclude an area from critical habitat if the Secretary determines the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided that such exclusion will not result in the extinction of the species.

When considering the benefits of inclusion of an area, we consider among other factors, the additional regulatory benefits that an area would receive through the analysis under section 7 of the Act addressing the destruction or adverse modification of critical habitat as a result of actions with a Federal nexus (activities conducted, funded, permitted, or authorized by Federal agencies), the educational benefits of identifying areas containing essential

features that aid in the recovery of the listed species, and any ancillary benefits triggered by existing local, State or Federal laws as a result of the critical habitat designation.

When considering the benefits of excluding a particular area, we consider, among other things, whether exclusion of a specific area is likely to incentivize or result in the conservation of the species and its habitat; the continuation, strengthening, or encouragement of partnerships; or implementation of a conservation or management plan for the species and its habitat. However, we are considering exclusion of the proposed critical habitat areas owned by the Navajo Nation and Zuni Pueblo to the extent consistent with the requirements of section 4(b)(2) of the Act. Areas owned by the Zuni Pueblo that we are considering for exclusion from the final critical habitat designation include 38.9 km (24.2 mi) in Subunit 1a and 29.4 km (18.3 mi) in Subunit 1b. In addition, the Navajo Nation owns all of the proposed critical habitat in Subunit 2a (86.9 km (54 mi)) and Subunit 2b (9.6 km (6.0 mi)). For the reasons described below, the Service is also considering all of these Navajo Nation lands for exclusion under section 4(b)(2) of the Act.

In July 2012, we sent notification letters to the Tribes describing the exclusion process under section 4(b)(2) of the Act, and we have engaged in conversations with both Tribes about the proposed designation to the extent possible without disclosing predecisional information. In March 2013, we attended a coordination meeting with the Navajo Nation to discuss the proposed designation, and the Navajo Nation provided additional information regarding their land management practices and the potential for developing a fisheries management plan for sport and native fisheries on their lands. Since the meeting, we have received information from the Navajo Nation that they are in the process of amending the Navajo Nation Fisheries Management Plan to ensure that native fishes are the priority in stream fisheries management. We are also working with the Zuni Pueblo to develop a management plan for their lands. The Navajo Nation provided for review a draft management plan that specifically addresses the Zuni bluehead sucker, and we anticipate a final draft will be developed. Although we have not yet received a draft management plan from the Zuni Pueblo, we are working with the Pueblo to assist in the preparation of these documents to provide for the benefit of the subspecies and its habitat.

In addition to these management plans under development by the Tribes, the Service also is considering exclusion of these Tribal lands based on the working relationship we have established with the Tribes. We are aware that designation of critical habitat on tribal lands is generally viewed as an intrusion on their sovereign abilities to manage natural resources in accordance with their own policies, customs, and laws. To this end, we have received public comments indicating that Tribes prefer to work with us on a government-to-government basis. Therefore, we are considering exclusion of these Tribal lands in proposed Units 1 and 2 to maintain our working relationships with the Tribes.

In the case of the Zuni bluehead sucker, the benefits of designating critical habitat include increasing public awareness of the presence of the Zuni bluehead sucker and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for the Zuni bluehead sucker due to protection from destruction or adverse modification of critical habitat.

A final decision on whether to exclude any areas will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation. We will take into account public comments and carefully weigh the benefits of exclusion versus inclusion of these areas.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.,* under the Federal listing as well as other Federal, State, and local regulations). The baseline, therefore, represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.,* conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a 4(b)(2) economic exclusion analysis.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Zuni bluehead sucker (IEc 2014, entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out the geographic areas in which the critical habitat designation is unlikely to result in probable incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.,* absent critical habitat designation) and includes probable economic impacts where land and water use may be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. The screening analysis filters out particular areas of critical habitat that are already subject to such protections and assesses whether units are unoccupied by the species and may require additional management or conservation efforts as a result of the critical habitat designation

for the species. This screening analysis combined with the information contained in our IEM are what we consider our draft economic analysis of the proposed critical habitat designation for the Zuni bluehead sucker and is summarized in the narrative below.

Executive Orders 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the Executive Orders' regulatory analysis requirements, our effects analysis under the Act, may take into consideration impacts to both directly and indirectly impacted entities, where practicable and reasonable. We assess to the extent practicable, the probable impacts, if sufficient data are available, to both directly and indirectly impacted entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Zuni bluehead sucker, first we identified, in the IEM dated June 21, 2013, probable incremental impacts associated with the following categories of activity: (1) Federal lands management (Forest Service, U.S. Bureau of Reclamation); (2) roadway and bridge construction; (3) agriculture; (4) grazing; (5) groundwater pumping; (6) in-stream dams and diversions; (7) storage and distribution of chemical pollutants; (8) dredging; (9) commercial or residential development; (10) timber harvest; and (11) recreation (including sport fishing and sport-fish stocking, off highway vehicle activity). We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement; designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the Zuni bluehead sucker is present, Federal agencies are already required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the subspecies. If we finalize this proposed critical habitat designation, consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process that will also consider jeopardy to the listed subspecies.

In our IEM, we attempted to clarify the distinction between the effects that result from the subspecies being listed and those attributable to the critical habitat designation (*i.e.,* difference between the jeopardy and adverse modification standards) for the Zuni bluehead sucker critical habitat. Because the designation of critical habitat for Zuni bluehead sucker was proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical and biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would result in sufficient harm or harassment to constitute jeopardy to the Zuni bluehead sucker would also likely adversely affect the essential physical and biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this subspecies. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Zuni bluehead sucker totals approximately 228.4 km (141.9 mi), of which approximately 70 percent (161.1 km (100.1 mi)) is currently occupied by the subspecies. In these areas, any actions that may affect the subspecies or its habitat would also affect designated critical habitat and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the Zuni bluehead sucker. Therefore, only administrative costs are expected in approximately 70 percent of the proposed critical habitat designation. While this additional analysis will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The remaining 67.3 km (41.8 mi) (30 percent of the total proposed critical habitat designation) are currently unoccupied by the subspecies but are essential for the conservation of the subspecies. In these unoccupied areas, any conservation efforts or associated probable impacts would be considered incremental effects attributed to the critical habitat designation. Within the 67.3 km (41.8 mi) of unoccupied critical habitat, few actions are expected to occur that would result in section 7 consultations or associated project modifications. In particular, Subunit 2b (9.6 km (6.0 mi)) occurs entirely on Navajo Nation lands, and based on the results of the coordination efforts with the Navajo Nation (see IEM), we do not anticipate that any projects will result in section 7 consultation within the proposed critical habitat areas on these lands. Subunit 1b (57.6 km (35.8 mi)) includes U.S. Forest Service (USFS), private, State, and Zuni Pueblo lands. Communications with affected entities indicate that critical habitat designation is likely only to result in more than just a few consultations in this unit, with minor conservation efforts that would likely result in relatively low probable economic impacts. While current projects are not planned in proposed critical habitat areas on Tribal lands, impacts to future Tribal planning efforts could be affected by proposed critical habitat designation. These future costs are unknown but expected to be relatively small given the projections by effected entities; they are unlikely to exceed $100 million in any single year and therefore would not be significant.

The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State agencies or municipalities. Activities we expect will be subject to consultations that may involve private entities as third parties are residential and commercial development that may occur on Tribal or private lands. However, based on coordination efforts with Tribal partners and State and local agencies, the cost to private entities within these sectors is expected to be relatively minor (administrative costs of less than $10,000 per consultation effort) and therefore would not be significant.

The probable incremental economic impacts of the Zuni bluehead sucker critical habitat designation are expected to be limited to additional administrative effort as well as minor costs of conservation efforts resulting from a small number of future section 7 consultations. This is due to two factors: (1) A large portion of proposed critical habitat stream reaches are considered to be occupied by the subspecies (70

percent), and incremental impacts of critical habitat designation, other than administrative costs, are unlikely; and (2) in proposed areas that are not occupied by Zuni bluehead sucker (30 percent), few actions are anticipated that will result in section 7 consultation or associated project modifications. At approximately $10,000 or less per consultation, in order to reach the threshold of $100 million of incremental administrative impacts in a single year, critical habitat designation would have to result in more than 11,000 consultations in a single year. Thus, the annual administrative burden is unlikely to reach $100 million. While current development or other projects are not planned in proposed critical habitat areas on Tribal lands, future Tribal planning efforts could be affected by proposed critical habitat designation, but future probable incremental economic impacts are not likely to exceed $100 million in any single year. Additionally, as described above, our consideration of exclusions on Tribal lands in proposed Units 1 and 2 may result in the probable economic impact being less than anticipated.

As we stated earlier, we are soliciting data and comments from the public on our consideration of economic impacts, as well as all aspects of the proposed rule and our amended required determinations. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the public comment period. In particular, we may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Draft Environmental Assessment

The purpose of the draft environmental assessment, prepared pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), is to identify and disclose the environmental consequences resulting from the proposed action of designation of critical habitat for the Zuni bluehead sucker. In the draft environmental assessment, three alternatives are evaluated: Alternative A, the no action alternative; Alternative B, the proposed rule without exclusion or exemption areas; and Alternative C, the proposed rule with exclusion or exemption areas. The no action alternative is required by NEPA for comparison to the other alternatives analyzed in the draft environmental assessment. The no action alternative is equivalent to no designation of critical habitat for the Zuni bluehead sucker. Under Alternative B, critical habitat would be designated, as proposed, with no exclusions. Under Alternative C, critical habitat would be designated; however, Tribal lands on the Navajo Nation and Zuni Pueblo would be excluded from critical habitat designation. Our preliminary determination is that designation of critical habitat for the Zuni bluehead sucker will not have direct significant impacts on the human environment. However, we will further evaluate this issue as we complete our final environmental assessment.

As we stated earlier, we are soliciting data and comments from the public on the draft environmental assessment, as well as all aspects of the proposed rule. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the comment period on the environmental consequences resulting from our designation of critical habitat.

Required Determinations—Amended

In our January 25, 2013, proposed rule (78 FR 5351), we indicated that we would defer our determination of compliance with several statutes and executive orders until we had evaluated the probable effects on landowners and stakeholders and the resulting probable economic impacts of the designation. Following our evaluation of the probable incremental economic impacts resulting from the designation of critical habitat for the Zuni bluehead sucker, we have amended or affirmed our determinations below. Specifically, we affirm the information in our proposed rule concerning Executive Orders (E.O.s) 12866 and 13563 (Regulatory Planning and Review), E.O. 12630 (Takings), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 13211 (Energy, Supply, Distribution, or Use), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). However, based primarily on our evaluation of the probable incremental economic impacts of the proposed designation of critical habitat for the Zuni bluehead sucker, we are amending our required determinations concerning the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and the President's Memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951).

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. Based on our evaluation of the probable economic impacts of the proposed designation, we provide our analysis for determining whether the proposed rule would result in a significant economic impact on a substantial number of small entities. Based on comments we receive, we may revise this determination as part of our final rulemaking.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as

amended, and following recent court decisions, is that Federal agencies are only required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself and, therefore, are not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated by this designation. There is no requirement under RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if promulgated, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. Information for this analysis was gathered from the Small Business Administration, stakeholders, and the Service. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because it will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. Therefore, a Small Government Agency Plan is not required.

National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et. seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses as defined by NEPA in conjunction with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1966)). However, when the range of the species includes States within the Tenth Circuit, such as that of Zuni bluehead sucker, under the Tenth Circuit ruling in *Catron County Board of Commissioners* v. *U.S. Fish and Wildlife Service,* 75 F.3d 1429 (10th Cir. 1996), we will undertake a NEPA analysis for critical habitat designation. In accordance with the Tenth Circuit, we have completed a draft environmental assessment to identify and disclose the environmental consequences resulting from the proposed designation of critical habitat. Our preliminary determination is that the designation of critical habitat for the Zuni bluehead sucker would not have direct significant impacts on the human environment. However, we will further evaluate this issue as we complete our final environmental assessment.

Government-To-Government Relationship With Tribes

In July 2012, we sent notification letters in to both the Navajo Nation and Zuni Pueblo describing the exclusion process under section 4(b)(2) of the Act, and we have engaged in conversations with both Tribes about the proposed designation to the extent possible without disclosing predecisional information. We coordinated with the Navajo Nation in May, October, and November 2012, to organize Zuni bluehead surveys on Navajo lands. We sent out notification letters in January and February 2013 notifying the Tribes that the proposed rule had published in the **Federal Register** to allow for the maximum time to submit comments. Following those letters, we scheduled a meeting with the Navajo Nation in March 2013, to discuss the proposed rule, and the Navajo Nation provided additional information regarding their land management practices and expressed their interest in developing a

fisheries management plan for sport and native fisheries. In addition to the letters sent to Zuni Pueblo, a few telephone inquiries were initiated to see if the Pueblo would like to meet to discuss the proposed rule. At this time, no meeting has been scheduled. However, we are working with Zuni Pueblo to develop a management plan for their lands. In addition, we sent coordination letters on April 12, 2013, to both the Navajo Nation and Zuni Pueblo seeking information for our economic analysis. We will continue to communicate with all affected Tribes.

Authors

The primary authors of this document are the staff members of the New Mexico Ecological Services Field Office, Southwest Region, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended on January 25, 2013 (78 FR 5351), as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.95(e) by revising paragraphs (5), (6), and (7), and by removing paragraph (8), under the entry for ''Zuni Bluehead Sucker (*Catostomus discobolus yarrowi*)'' as proposed to be amended on January 25, 2013 (78 FR 5351), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(e) *Fishes.*

* * * * *

Zuni Bluehead Sucker (*Catostomus discobolus yarrowi*)

* * * * *

(5) *Note:* Index map of critical habitat units for the Zuni bluehead sucker follows:

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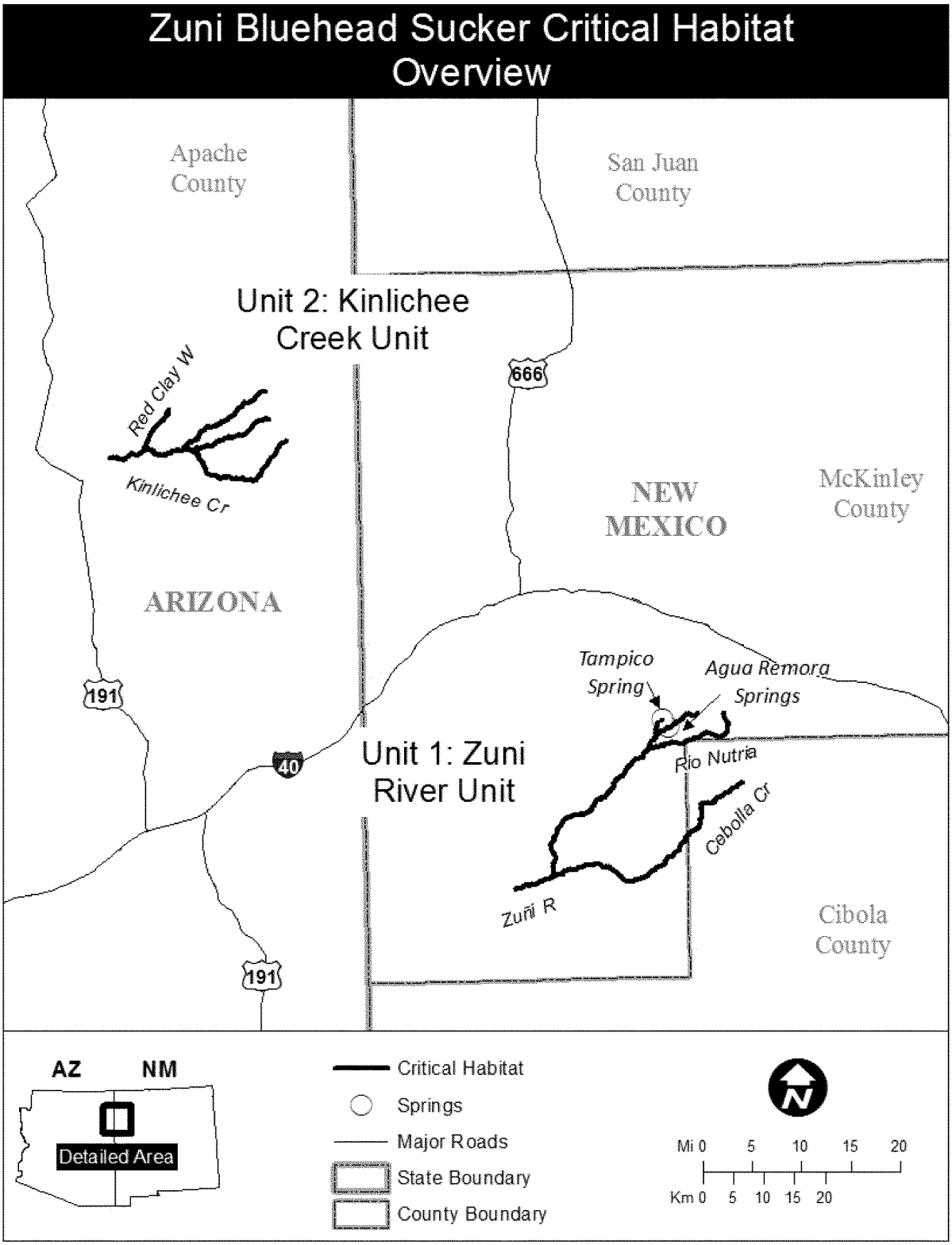
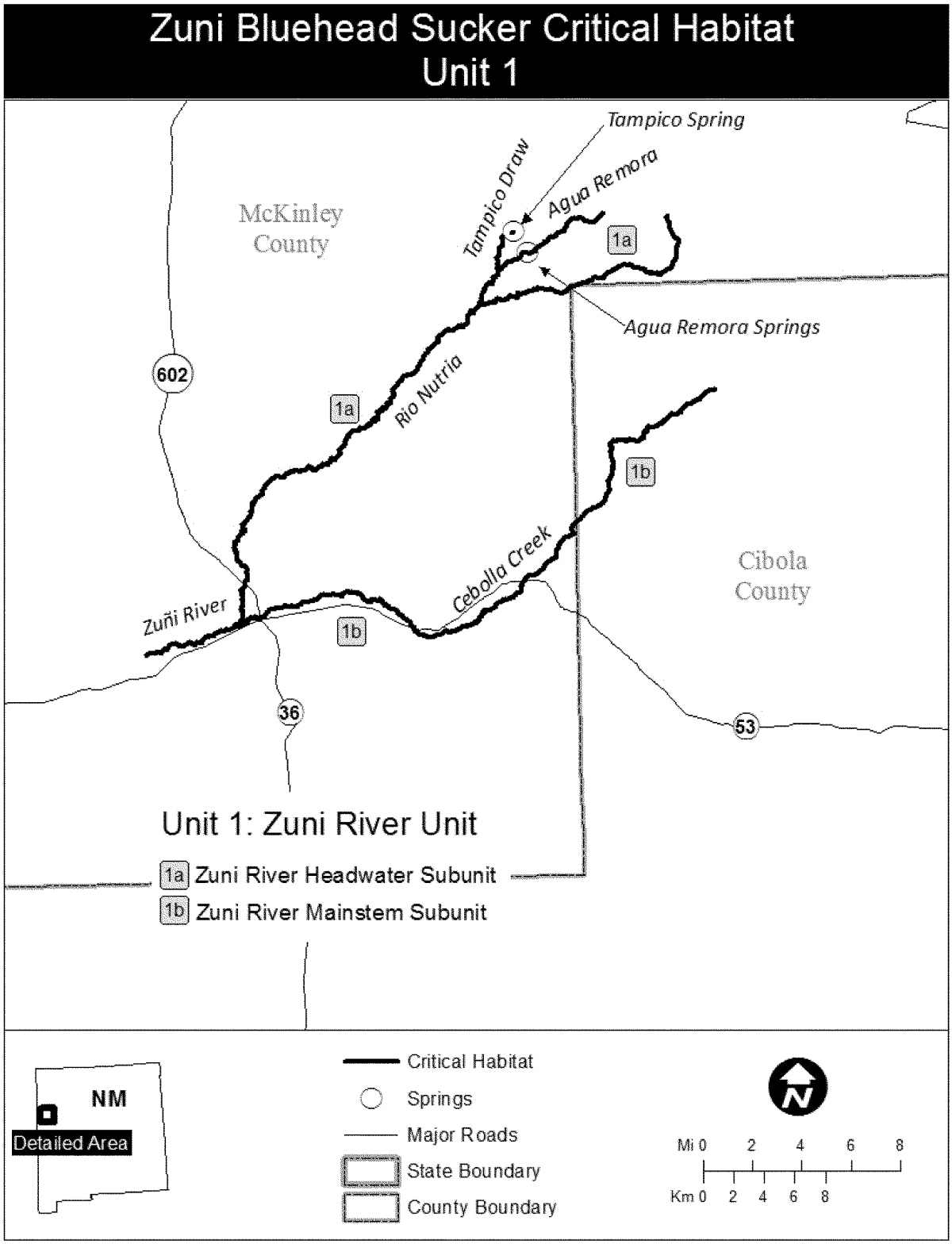
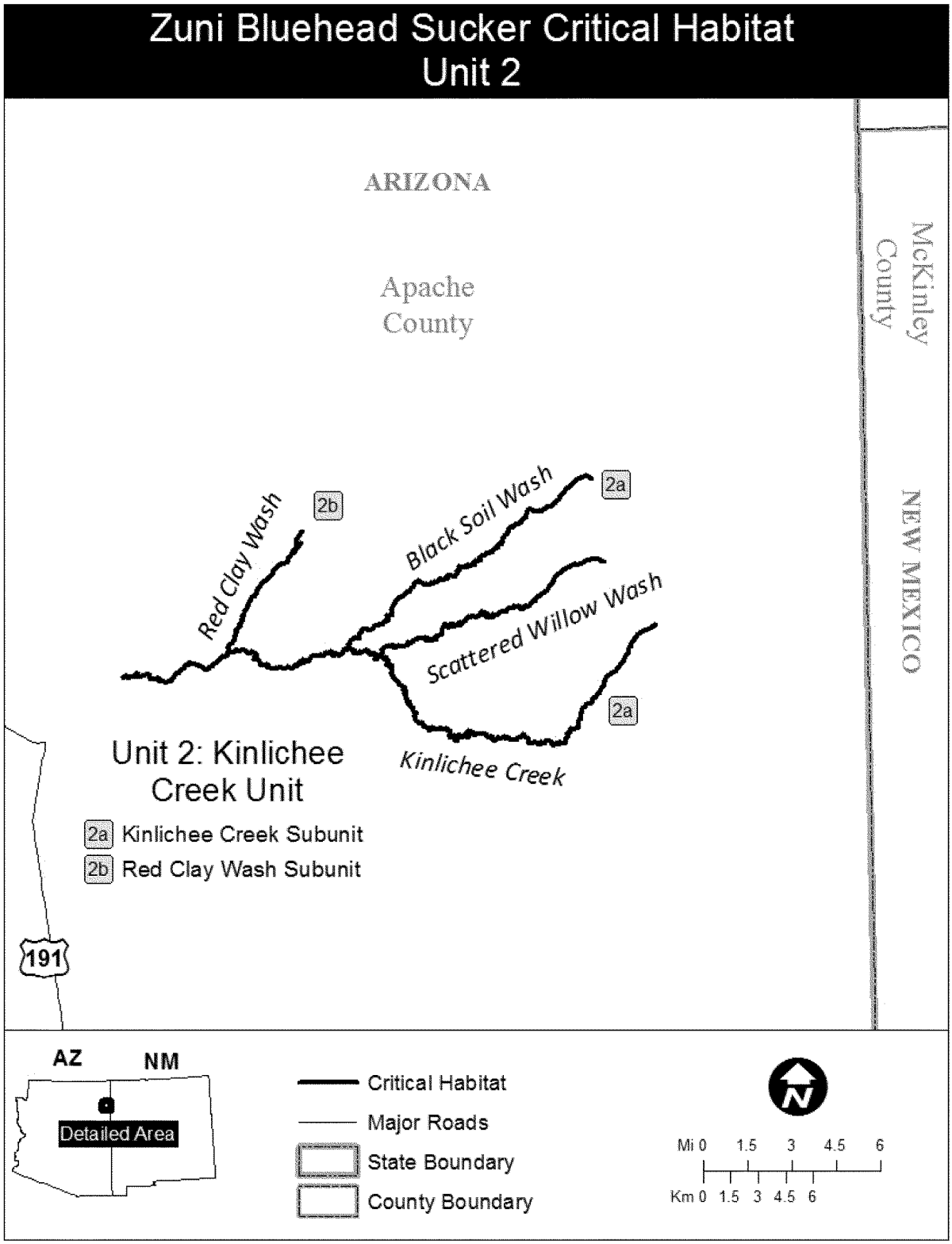

Zuni Bluehead Sucker Critical Habitat Overview
Apache County
San Juan County
Unit 2: Kinlichee Creek Unit
Red Clay W
Kinlichee Cr
666
NEW MEXICO
McKinley County
ARIZONA
191
40
Tampico Spring
Agua Remora Springs
Unit 1: Zuni River Unit
Rio Nutria
Cebolla Cr
Zuñi R
Cibola County
191
AZ
NM
Detailed Area
Critical Habitat
Springs
Major Roads
State Boundary
County Boundary
N
Mi 0 5 10 15 20
Km 0 5 10 15 20

(6) Unit 1: Zuni River Unit, McKinley and Cibola Counties, New Mexico. Map of Unit 1 follows:



(7) Unit 2: Kinlichee Creek Unit, Apache County, Arizona, and McKinley County, New Mexico. Map of Unit 2 follows:



* * * * *

Dated: March 23, 2015.

Michael Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–08277 Filed 4–13–15; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2014–0041; 4500030113]

RIN 1018–BA05

Endangered and Threatened Wildlife and Plants; 6-Month Extension of Final Determination on the Proposed Threatened Status for the West Coast Distinct Population Segment of Fisher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 6-month extension of the final determination of whether to list the West Coast distinct population segment (DPS) of fisher (*Pekania pennanti*) as a threatened species. We also reopen the comment period on the proposed rule to list the species for an additional 30 days. We are taking this action based on substantial disagreement regarding available information related to toxicants and rodenticides (including law enforcement information and trend data) and related to surveyed versus unsurveyed areas (including data on negative survey results) to help assess distribution and population trends. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in the final rule. We will submit a final listing determination to the **Federal Register** on or before April 7, 2016.

DATES: We will accept comments received or postmarked on or before May 14, 2015. If you comment using the Federal eRulemaking Portal (see **ADDRESSES**), you must submit your comments by 11:59 p.m. Eastern Time on the closing date.

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

(1) Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter the docket number for this proposed rule, which is FWS–R8–ES–2014–0041. Then click on the Search button. You may submit a comment by clicking on ''Comment Now!'' Please ensure that you have found the correct rulemaking before submitting your comment.

(2) U.S. mail or hand delivery: Public Comments Processing, Attn: Docket No. FWS–R8–ES–2014–0041; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin Williams, Field Supervisor, U.S. Fish and Wildlife Service, Yreka Fish and Wildlife Office, 1829 South Oregon Street, Yreka, CA 96097; telephone 530–842–5763; facsimile 530–842–4517. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On October 7, 2014, we published a proposed rule (79 FR 60419) to list the West Coast DPS of fisher as a threatened species under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). That proposal had a 90-day comment period, ending January 5, 2015. On December 23, 2014, we extended the proposal's comment period for an additional 30 days, ending February 4, 2015 (79 FR 76950). For a description of previous Federal actions concerning the West Coast DPS of fisher, please refer to the October 7, 2014, proposed listing rule (79 FR 60419). We also solicited and received independent scientific review of the information contained in the proposed rule from peer reviewers with expertise in the West Coast DPS of fisher or similar species biology, in accordance with our July 1, 1994, peer review policy (59 FR 34270).

Section 4(b)(6) of the Act and its implementing regulations at 50 CFR 424.17(a) require that we take one of three actions within 1 year of a proposed listing and concurrent proposed designation of critical habitat: (1) Finalize the proposed rule; (2) withdraw the proposed rule; or (3) extend the final determination by not more than 6 months, if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination.

Since the publication of the October 7, 2014, proposed listing rule, there has been substantial disagreement regarding available information related to toxicants and rodenticides (including law enforcement information and trend data) and related to surveyed versus unsurveyed areas (including data on negative survey results) to help assess distribution and population trends.

We find that there is substantial scientific uncertainty and disagreement about certain data relevant to our listing determination. Therefore, in consideration of these disagreements, we have determined that a 6-month extension of the final determination for this rulemaking is necessary, and we are hereby extending the final determination for 6 months in order to solicit and consider additional information that will help to clarify these issues and to fully analyze data that are relevant to our final listing determination. With this 6-month extension, we will make a final determination on the proposed rule no later than April 7, 2016.

Information Requested

We will accept written comments and information during this reopened comment period on our proposed listing for the West Coast DPS of fisher that was published in the **Federal Register** on October 7, 2014 (79 FR 60419). We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal be as accurate as possible and based on the best available scientific and commercial data.

In consideration of the scientific disagreements about certain data, we are particularly interested in new information and comments regarding:

(1) Information related to toxicants and rodenticides (including law enforcement information and trend data);

(2) Information regarding areas that have been surveyed compared to areas that have not been surveyed. We are also interested in negative survey results to help assess distribution and population trends.

If you previously submitted comments or information on the October 7, 2014, proposed rule, please do not resubmit them. We have incorporated previously submitted comments into the public record, and we will fully consider them in the preparation of our final determination. Our final determination concerning the proposed listing will take into consideration all written comments and any additional information we receive.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in the **ADDRESSES** section above. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Yreka Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2014–0041. Copies of the proposed rule are also available at *http://www.fws.gov/cno/es/fisher/.*

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 26, 2015.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015–08275 Filed 4–13–15; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 80, No. 71

Tuesday, April 14, 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–2015–0002]

Availability of an Environmental Assessment for Field Testing a Marek's Disease-Newcastle Disease Vaccine, Serotype 3, Live Marek's Disease Vector

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Marek's disease-Newcastle disease vaccine, serotype 3, live Marek's disease vector. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis and other relevant data, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before May 14, 2015.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0002.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2015–0002, 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-2015-0002* 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: Dr. Donna Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 851–3426, fax (301) 734–4314.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed), contact Dr. Patricia L. Foley, Risk Manager, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337–6100, fax (515) 337–6120.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS considers the potential effects of this product on the safety of animals, public health, and the environment. Using the risk analysis and other relevant data, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Merial, Inc.

Product: Marek's Disease-Newcastle Disease Vaccine, Serotype 3, Live Marek's Disease Vector.

Possible Field Test Locations: Arkansas, Georgia, Indiana, Iowa, Missouri, Ohio, Oklahoma, Pennsylvania, and Virginia.

The above-mentioned product is a live Marek's disease serotype 3 vaccine virus containing a gene from the Newcastle disease virus. The attenuated vaccine is intended for use in healthy 18-day-old or older embryonated eggs or day-old chickens, as an aid in the prevention of Marek's disease and Newcastle disease.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (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).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI

to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 8th day of April 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–08602 Filed 4–13–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0025]

Secretary's Advisory Committee on Animal Health; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This is a notice to inform the public of an upcoming meeting of the Secretary's Advisory Committee on Animal Health. The meeting is being organized by the Animal and Plant Health Inspection Service to discuss matters of animal health.

DATES: The meeting will be held on April 28 and 29, 2015, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Mrs. R.J. Cabrera, Designated Federal Officer, VS, APHIS, 4700 River Road Unit 34, Riverdale, MD 20737; phone (301) 851–3478, email *SACAH.Management@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

The Secretary's Advisory Committee on Animal Health (the Committee) advises the Secretary of Agriculture on matters of animal health, including means to prevent, conduct surveillance on, monitor, control, or eradicate animal diseases of national importance. In doing so, the Committee will consider public health, conservation of natural resources, and the stability of livestock economies.

Tentative topics for discussion at the meeting include:

- Follow-on discussion of antimicrobial resistance, mitigations, and the U.S. Department of Agriculture (USDA) action plan,
- Comprehensive discussion on porcine epidemic diarrhea,
- Follow-on discussion on foot-and-mouth disease,
- USDA draft framework for emerging diseases,
- Proposed national list of reportable animal diseases,
- Avian influenza, and
- Bovine tuberculosis program—understanding the disease.

A final agenda will be posted on the Committee Web site by April 13, 2015.

Those wishing to attend the meeting in person must complete a brief registration form by clicking on the ''SACAH Meeting Sign-Up'' button on the Committee's Web site (*http://www.aphis.usda.gov/animalhealth/sacah*). Members of the public may also join the meeting via teleconference in ''listen-only'' mode. Participants who wish to listen in on the teleconference may do so by dialing 1–888–469–3079 and then entering the public passcode, 2061888#.

Due to time constraints, members of the public will not have an opportunity to participate in the Committee's discussions. However, questions and written statements for the Committee's consideration may be submitted up to 5 working days before the meeting. They may be sent to *SACAH.Management@aphis.usda.gov* or mailed to the person listed on the notice under **FOR FURTHER INFORMATION CONTACT**. Statements filed with the Committee should specify that they pertain to the April 2015 Committee meeting.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, this 8th day of April 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–08603 Filed 4–13–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0003]

Availability of an Environmental Assessment for Field Testing a Marek's Disease Vaccine, Serotype 1, Live Virus

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Marek's disease vaccine, serotype 1, live virus. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis and other relevant data, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before May 14, 2015.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS–2015–0003.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2015–0003, 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–2015–0003 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: Dr. Donna Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 851–3426, fax (301) 734–4314.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed), contact Dr. Patricia L. Foley, Risk Manager, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337–6100, fax (515) 337–6120.

SUPPLEMENTARY INFORMATION:

Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS considers the potential effects of this product on the safety of animals, public health, and the environment. Using the risk analysis and other relevant data, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Merial, Inc.

Product: Marek's Disease Vaccine, Serotype 1, Live Virus.

Possible Field Test Locations: Arkansas, Georgia, Kentucky, North Carolina, Tennessee, and Texas.

The above-mentioned product is a live Marek's Disease serotype 1 vaccine virus containing the long terminal repeat of the reticuloendotheliosis virus. The attenuated vaccine is intended for use in healthy day-old chickens, as an aid in the prevention of Marek's disease caused by very virulent Marek's disease virus.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (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).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 8th day of April 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–08604 Filed 4–13–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Comparing Health Insurance Measurement Error (CHIME).

OMB Control Number: 0607–XXXX.

Form Number(s): No forms; respondent information collected by telephone interview.

Type of Request: Regular submission.

Number of Respondents: 5,000 Households.

Average Hours per Response: 13 minutes.

Burden Hours: 3,028 hours.

Needs and Uses: The goal of the study is to assess measurement error in health coverage estimates that is ascribable to the questionnaire across the CPS and ACS health insurance modules using administrative records as a truth source. Both ''absolute'' reporting accuracy (the survey report compared to the administrative record data) and ''relative'' reporting accuracy (comparing absolute accuracy across questionnaire treatments) will be evaluated. The analysis will be used to understand the magnitude, direction and patterns of misreporting for three main purposes: (1) To provide Census program staff with empirical data to develop and refine edits and/or to include research notes for data users so they can make their own adjustments for misreporting; (2) to equip the wider research community with information that could serve as a guide for deciding which among the various surveys best suits their needs; and (3) to contribute to the general survey methods research literature on measurement error. Analysis will also inform reporting accuracy of health coverage related to the Affordable Care Act (ACA). Specifically, for coverage that is known to be obtained from the marketplace, we will explore whether respondents report that coverage, the source they cite (direct-purchase, government, etc.), and the accuracy with which they answer a question on subsidized premiums.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, sections 141, 182 and 193.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202)395–5806.

Dated: April 8, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–08473 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–86–2014]

Production Activity Not Authorized; Foreign-Trade Zone 57—Charlotte, North Carolina; Gildan Yarns, LLC; (Cotton, Cotton/Polyester Yarns); Salisbury, North Carolina

On December 8, 2014, the Charlotte Regional Partnership, grantee of FTZ 57, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Gildan Yarns, LLC, in Salisbury, North Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (79 FR 75532, 12–18–2014). Pursuant to Section 400.37, the FTZ Board has determined that further review is warranted and has not authorized the proposed activity. If the applicant wishes to seek authorization for this activity, it will need to submit an application for production authority, pursuant to Section 400.23.

Dated: April 8, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–08592 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–20–2015]

Foreign-Trade Zone (FTZ) 50—Long Beach, California; Notification of Proposed Production Activity; Mercedes Benz USA, LLC; (Accessorizing Motor Vehicles); Long Beach, California

The Port of Long Beach, grantee of FTZ 50, submitted a notification of proposed production activity to the FTZ Board on behalf of Mercedes Benz USA, LLC (MBUSA), located in Long Beach, California. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 24, 2015.

The MBUSA facility is located within Site 41 of FTZ 50. The facility is used for accessorizing passenger motor vehicles. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt MBUSA from customs duty payments on the foreign status components used in export production. On its domestic sales, MBUSA would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles (duty rate − 2.5%) for the foreign status components noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Plastic door sills and strips; wheel rim locks; metal door sills and strips; memory cards; navigation systems and related parts; entertainment systems; wiring sets and harnesses; storage compartments; spoilers; and, cup holders (duty rate ranges from free to 5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is May 26, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: April 7, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–08590 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1974]

Reorganization of Foreign-Trade Zone 286; (Expansion of Service Area); Under Alternative Site Framework; Caledonia, Essex and Orleans Counties, Vermont

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Northeastern Vermont Development Association, grantee of FTZ 286, submitted an application to the Board (FTZ Docket B–60–2014, docketed 08–27–2014) for authority to expand the service area of the zone to include Lamoille County, as described in the application, adjacent to the Derby Line Customs and Border Protection port of entry;

Whereas, notice inviting public comment was given in the **Federal Register** (79 FR 52300, 09–03–14) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 286 to expand the service area under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Signed at Washington, DC this 3rd day of April 2015.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

ATTEST: _____

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–08584 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1971]

Reorganization of Foreign-Trade Zone 63 Under Alternative Site Framework; Prince George's County, Maryland

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, Prince George's County, grantee of FTZ 63, submitted an application to the Board (FTZ Docket B–52–2014, docketed 07–29–2014) for authority to reorganize under the ASF with a service area that includes Prince George's County, Maryland, adjacent to the Washington-Dulles Customs and Border Protection port of entry, and FTZ 63's existing Site 1 would be categorized as a magnet site;

Whereas, notice inviting public comment was given in the **Federal Register** (79 FR 45177, 08–04–2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 63 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Signed at Washington, DC this 3rd day of April 2015.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–08585 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on April 29 and 30, 2015, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, April 29

Open Session

1. Welcome and Introductions
2. Working Group Reports
3. Old Business
4. Industry Presentations: PECVD for Non-Electronic Substrates
5. Industry Presentation: ECR and Wideband DRFM Platforms
6. Implementation of the Wassenaar 2013 Cyber-Related Provisions
7. New business

Thursday, April 30

Closed Session

8. 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 April 22, 2015.

A limited number of seats will be available for the public session. 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 public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 23, 2015, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (l0)(d)), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and l0(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: April 8, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–08575 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–JT–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 May 6, 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 §§ 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 April 29, 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 August 19, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (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 §§ 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: April 8, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–08574 Filed 4–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on May 7, 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 Introductions.
2. Remarks from Bureau of Industry and Security senior management.
3. Report from Composite Working Group and other working groups.
4. Report on regime-based activities.
5. Public Comments and New Business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ l0(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 April 30, 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. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded 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 March 18, 2015, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 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: April 8, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–08573 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on April 28, 2015, 9:30 a.m., in the Herbert C. Hoover Building, Room 6087B, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 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 April 21, 2015.

A limited number of seats will be available during the public session of the meeting. 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 distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 6, 2013 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d), that the portion of this 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 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Dated: April 8, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–08578 Filed 4–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on May 19, 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.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 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 May 12, 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.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 20, 2015, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 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: April 8, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–08580 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–954]

Certain Magnesia Carbon Bricks From the People's Republic of China: Final Results and Final Partial Rescission of the Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the ''Department'') published the *Preliminary Results* of the third administrative review of the antidumping duty order on certain magnesia carbon bricks from the People's Republic of China (''PRC'') on October 9, 2014.[1] We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments received, we made no change to the *Preliminary Results.* The final weighted-average dumping margins are listed below in the ''Final Results of Administrative Review'' section of this notice. The period of review (''POR'') is September 1, 2012, through August 31, 2013.

DATES: *Effective date:* April 14, 2015.

FOR FURTHER INFORMATION CONTACT: Jerry Huang, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4047.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 2014, the Department published the *Preliminary Results.* On November 10, 2014, the Department received a case brief from Resco Products, Inc. (''Petitioner'') and Magnesita Refractories Company, a domestic interested party.

Scope of the Order

The merchandise subject to the order includes certain magnesia carbon bricks. Certain magnesia carbon bricks that are the subject of this order are currently classifiable under subheadings 6902.10.1000, 6902.10.5000, 6815.91.0000, 6815.99.2000 and 6815.99.4000 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 is dispositive.[2]

Analysis of Comments Received

We addressed all issues raised in the case brief by parties in this review in the Decision Memo. A list of issues included in the Decision Memo is attached as Appendix I to this notice. The Decision Memo is a public document and it is available 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 it is available to all parties in the Central Records Unit (''CRU''), Room 7046 of the main Department of Commerce building. In addition, the Decision Memo can be accessed directly on Enforcement and Compliance's Web site at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memo and the electronic version of the Decision Memo are identical in content.

Final Partial Rescission of the Administrative Review

In the *Preliminary Results,* the Department indicated its intention to rescind this review with respect to Fedmet Resources Corporation (''Fedmet''), based on Fedmet's statement and supplemental information that it is a U.S. importer, not a PRC producer.[3] Subsequent to the *Preliminary Results,* no information was submitted on the record contrary to Fedmet's claim, and no party provided written arguments regarding this issue. Thus, we are rescinding this review with respect to Fedmet, and Fedmet's entries will be subject to the appropriate

[1] *See Certain Magnesia Carbon Bricks from the People's Republic of China: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2012–2013,* 79 FR 61052 (October 9, 2014) (''*Preliminary Results*''), and accompanying Preliminary Decision Memorandum.

[2] For a full description of the scope of the *Order, see* Memorandum from Gary Taverman, Associate Deputy Assistant Secretary, AD/CVD Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of Third Antidumping Duty Administrative Review: Certain Magnesia Carbon Bricks from the People's Republic of China,'' (''I&D Memo'') dated concurrently with these results and hereby adopted by this notice.

[3] *See Preliminary Results,* 79 FR 61053.

exporter's cash deposit requirements and assessment rates, as outlined below.

Final Determination of No Shipments

As noted in the *Preliminary Results,* Fengchi Imp. and Exp. Co., Ltd. of Haicheng City (''Fengchi'') submitted a timely-filed certification that it had no shipments of subject merchandise to the United States during the POR. Thus, we preliminarily determined that Fengchi had no shipments of subject merchandise during the POR.[4] We received no contradictory information from CBP indicating that there were suspended entries of subject merchandise into the United States exported by Fengchi. Accordingly, for the final results we continue to find that Fengchi had no shipments of subject merchandise, and it will retain its separate-rate status which was in effect at the initiation of this administrative review.[5] Consistent with our assessment clarification, the Department will issue appropriate instructions to CBP based on our final results.[6]

PRC-Wide Entity

In the *Preliminary Results,* for the PRC-Wide Entity, the Department assigned the rate of 236 percent, the only rate ever determined for the PRC-Wide Entity in this proceeding.[7] Because this rate is the same as the rate for the PRC-Wide Entity from previous completed segments in this proceeding and nothing on the record of the instant review calls into question the reliability of this rate, we find it appropriate to continue to apply a rate of 236 percent to the PRC-Wide Entity.[8]

Further, in the *Preliminary Results,* the Department determined that those companies which did not demonstrate eligibility for a separate rate are properly considered part of the PRC-Wide Entity.[9] Since the *Preliminary Results,* none of these companies submitted comments regarding these findings. Therefore, we continue to treat these companies as part of the PRC-Wide Entity.[10]

Additionally, in the *Preliminary Results,* for 155 companies, the Department found that, while the request for review had been withdrawn, none of these companies was eligible for a separate rate at the time of the initiation of this review. Accordingly, these 155 companies will continue to be considered part of the PRC-Wide Entity, which remained under review for the *Preliminary Results.*[11] Thus, the Department did not rescind the review for any of these 155 companies in the *Preliminary Results.*[12] Since the *Preliminary Results,* no party has presented information to the contrary, and, thus, these 155 companies continue to be considered as part of the PRC-Wide Entity, which remains under review for the final results.[13]

Final Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period September 1, 2012, through August 31, 2013:

Exporter	Weighted-average dumping margin (percent)
PRC-Wide Entity	236.00

Assessment

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. For all appropriate entries exported by the PRC-Wide Entity, the Department will instruct CBP to liquidate these entries at an antidumping assessment rate of 236.00 percent.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters that are eligible for a separate rate from a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters of subject merchandise that have not been found to be eligible for a separate rate, the cash deposit rate will be the rate for the PRC-Wide Entity; and (3) for all non-PRC exporters of subject merchandise which are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO, 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.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[4] *Id.*

[5] Fengchi's no shipments certification also applied to Fengchi Refractories Co., of Haicheng City; however, that company did not previously qualify for a separate rate and remains subject to the cash deposit requirements for the PRC-Wide Entity as discussed below. *See* letter to the Department from Fengchi, ''Magnesia Carbon Bricks from China Case No. A–570–954: No Shipments Letter,'' dated January 2, 2014.

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (''*Assessment Practice Refinement''*); *see also* the ''Assessment'' section of this notice, below.

[7] *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 4.

[8] *See, e.g., Certain Steel Threaded Rod from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 74 FR 8907, 8910 (February 27, 2009).

[9] *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 4.

[10] For a list of companies that are subject to this administrative review as part of the PRC-Wide Entity, *see* Appendix II to this notice.

[11] *See Preliminary Results,* 79 FR 61503.

[12] *See, e.g., Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 77 FR 47363, 47365 (August 8, 2012), unchanged in *Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011,* 78 FR 10130 (February 13, 2013). A change in practice with respect to the conditional review of the PRC-wide entity is not applicable to this administrative review. *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 65964, 65969–70 (November 4, 2013).

[13] For a list of companies that are subject to this administrative review as part of the PRC-Wide Entity, *see* Appendix II to this notice.

Dated: April 7, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
(1) Whether the Department Should Limit CBP Data Query to Suspended AD/CVD Entries
(2) Whether the Department Should Issue Q&V Questionnaires to All Companies Under Review
(3) Whether Identifying Misclassified Entries Falls Under the Department's Authority
V. Conclusion

Appendix II

Companies Subject to the Administrative Review that Are Part of the PRC-Wide Entity

1. ANH (Xinyi) Refractories Co. Ltd.
2. Anyang Rongzhu Silicon Industry Co., Ltd.
3. Barsan Global Lojistik Ve Gum. Mus.
4. Bayuquan Refractories Co., Ltd.
5. Beijing Tianxing Ceramic Fiber Composite Materials Corp.
6. Benxi Iron & Steel (Group) International Economic & Trading Co.
7. Changxing Magnesium Furnace Charge Co., Ltd.
8. Changxing Wangfa Architectural & Metallurgical Materials Co., Ltd.
9. Changzing Zhicheng Refractory Material Factory.
10. China Metallurgical Raw Material Beijing Company.
11. China Quantai Metallurgical (Beijing) Engineering & Science Co., Ltd.
12. Chosun Refractories.
13. Cimm Group of China.
14. CNBM International Corporation.
15. Dalian Cerax Co., Ltd.
16. Dalian Dalmond Trading Co., Ltd.
17. Dalian F.T.Z. Huaxin International.
18. Dalian F.T.Z. Maylong Resources Co., Ltd.
19. Dalian Huayu Refractories International Co., Ltd.
20. Dalian LST Metallurgy Co., Ltd.
21. Dalian Masoo International Trading.
22. Dalian Mayerton Refractories Ltd.
23. Dalian Morgan Refractories Ltd.
24. Dashiqiao Bozhong Mineral Products Co., Ltd.
25. Dashiqiao City Magnesite.
26. Dashiqiao City Guangcheng Refractory Co., Ltd.
27. Dashiqiao Jia Sheng Mining Co., Ltd.
28. Dashiqiao Jinlong Refractories Co., Ltd.
29. Dashiqiao RongXing Refractory Material Co., Ltd.
30. Dashiqiao Sanqiang Refractory Material Co., Ltd.
31. Dashiqiao Yutong Packing Factory.
32. Dashiqiao Zhongjian Magnesia.
33. Dengfeng Desheng Refractory Co., Ltd.
34. DFL Minmet Refractories Corp.
35. Duferco SA.
36. Duferco BarInvest SA Beijing Office.
37. Duferco Ironet Shanghai Representative Office.
38. Eastern Industries & Trading Co., Ltd.
39. Far Horizon Trading Limited.
40. Fengchi Mining Co., Ltd of Haicheng City.
41. Fengchi Refractories Co., of Haicheng City.
42. Fengchi Refractories Corp.
43. Ferro Alliages & Mineraux Inc.
44. Firma.
45. Haicheng City Qunli Mining Co., Ltd.
46. Haicheng City Xiyang Import & Export Corporation.
47. Haicheng Donghe Taidi Refractory Co., Ltd.
48. Haicheng Ruitong Mining Co., Ltd.
49. Haiyuan Talc Powder Manufacture Factory.
50. Henan Boma Co. Ltd.
51. Henan Kingway Chemicals Co., Ltd.
52. Henan Tagore Refractories Co., Ltd.
53. Henan Xinmi Changzxing Refractories, Co., Ltd.
54. Hebei Qinghe Refractory Group Co. Ltd.
55. Huailin Refractories (Dashiqiao) Pte. Ltd.
56. Hualude Hardware Products Co. Ltd.
57. Indian Technomac Co., Ltd.
58. Jfe Refractories Corporation.
59. Jiangsu Sujia Group New Materials Co., Ltd.
60. Jiangsu Sujia Joint-Stock Co., Ltd.
61. Jinan Forever Imp. & Emp. Trading Co., Ltd.
62. Jinan Linquan Imp. & Emp. Co. Ltd.
63. Jinan Ludong Refractory Co., Ltd.
64. Kosmokraft Refractory Limited.
65. Kuehne & Nagel Ltd. Dalian Branch Office.
66. Kumas Sanayi Urunleri Ve Insaat Paz.
67. Lechang City Guangdong Province SongXin Refractories Co., Ltd.
68. Liaoning Fucheng Refractories Group Co., Ltd.
69. Liaoning Fucheng Special Refractory Co., Ltd.
70. Liaoning Jiayi Metals & Minerals Ltd.
71. Liaoning Jinding Magnesite Group.
72. Liaoning Mayerton Refractories Co., Ltd.
73. Liaoning Mineral & Metallurgy Group Co., Ltd.
74. Liaoning Qunyi Group Refractories Co., Ltd.
75. Liaoning Qunyi Trade Co., Ltd.
76. Liaoning RHI Jinding Magnesis Co., Ltd.
77. Liaoning Zhongxing Mining Industry Group Co., Ltd.
78. LiShuang Refractory Industrial Co., Ltd.
79. Lithomelt Co., Ltd.
80. Lua Viet Bestref Joint Venture Co.
81. Luheng Refractory Co., Ltd.
82. Luoyang Refractory Group Co., Ltd.
83. Mayerton Refractories.
84. Minsource International Ltd.
85. Minteq International Inc.
86. National Minerals Co., Ltd.
87. Navis Zufall Ueberseespeditions.
88. North Refractories Co., Ltd.
89. Orestar Metals & Minerals Co., Ltd.
90. Oreworld Trade (Tangshan) Co., Ltd.
91. Puyang Refractories Co., Ltd.
92. Qingdao Almatis Co., Ltd. (HQ).
93. Qingdao Almatis Co., Ltd. (Manufacturing).
94. Qingdao Almatis Trading Co., Ltd. (Sales Office).
95. Qingdao Blueshell Import & Emport Corp.
96. Qingdao Fujing Group Co., Ltd.
97. Qingdao Huierde International Trade Co., Ltd.
98. Refratechnik Cement GmbH.
99. Refratechnik Steel GmbH.
100. RHI AG.
101. RHI GLAS GmbH.
102. RHI Refractories Asia Pacific Pte. Ltd.
103. RHI Refractories (Dalian) Co., Ltd.
104. RHI Trading Shanghai Branch.
105. RHI Trading (Dalian) Co., Ltd.
106. Rongyuan Magnesite Co., Ltd. of Dashiqiao City.
107. Shandong Cambridge International Trade Inc.
108. Shandong Lunai Kiln Refractories Co., Ltd.
109. Shandong Refractories Corp.
110. Shanghai Pudong Imp. & Exp. Co. Ltd.
111. Shanghai Vista Packaging Co., ltd.
112. Shanxi Dajin International (Group) Co., Ltd.
113. Shanxi Xinrong International Trade Co. Ltd.
114. Shenyang Shenghui Refractory Imp.
115. Shenyang Yi Xin Sheng Lai Refractory Materials Co., Ltd.
116. Shinagawa Refractories Co., Ltd.
117. Shinagawa Rongyuan Refractories Co., Ltd.
118. Sinosteel Corporation.
119. SMMC Group Co., Ltd.
120. Store System Inc. O B Dongning Shunf.
121. Syndicate Exp. Pvt., Ltd.
122. Tangshan Success Import & Export Trading Co., Ltd.
123. Tianjin New Century Refractories, Ltd.
124. Tianjin New World Import & Export Trading Co., Ltd.
125. Tianjin Weiyuan Refractory Co., Ltd.
126. The Economic Trading Group of Haicheng Huoying Corporation Ltd.
127. Vereeniging Refractories (Pty).
128. Vesuvius Advanced Ceramics (Suzhou) Co. Ltd.
129. Wonjin Refractories Co., Ltd.
130. Wuxi Tian Liang Foreign Trade Co., Ltd.
131. Xiyuan Xingquan Forsterite Co., Ltd.
132. Yanshi City Guangming High-Tech Refractories Products Co., Ltd.
133. YHS Minerals Co., Ltd.
134. Yingkou Bayuquan Refractories Co., Ltd.
135. Yingkou Bl Mining Co., Ltd.
136. Yingkou Dalmond Refractories Co., Ltd.
137. Yingkou Guangyang Refractories Co., Ltd.
138. Yingkou Guangyang Refractories Co., Ltd. (YGR).
139. Yingkou Heping Samwha Minerals Co., Ltd.
140. Yingkou Jiahe Refractories Co., Ltd.
141. Yingkou Jinlong Refractories Group.
142. Yingkou Kyushu Refractories Co., Ltd.
143. Yingkou Qinghua Group Imp. & Emp. Co., Ltd.
144. Yingkou Qinghua Refractories Co., Ltd.
145. Yingkou Sanhua Refractory Materials Co., Ltd.
146. Yingkou Tianrun Refractory Co.,Ltd.
147. Yingkou Wonjin Refractory Material Co., Ltd.
148. Yingkou Yongji Mag Refractory, Ltd.
149. Yixing Runlong Trade Co., Ltd.
150. Yixing Xinwei Leeshing Refractory Material Co., Ltd.
151. Yixing Zhenqiu Charging Ltd.

152. Zhejiang Changxing Guangming Special Refractory Material Foundry, Co., Ltd.
153. Zhejiang Deqing Jinlei Refractory Co., Ltd.
154. Zhejiang Huzhou Fuzilin Refractory Metals Group Co., Ltd.
155. Zhengzhou Annec Industrial Co., Ltd.
156. Zhengzhou Huachen Refractory Co., Ltd.
157. Zhengzhou Huawei Refractories Co., Ltd.
158. Zibo Lianzhu Refractory Materials Co., Ltd.

[FR Doc. 2015–08591 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 8, 2014, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film (PET Film) from the United Arab Emirates.[1] This review covers one producer/exporter of subject merchandise, JBF RAK LLC (JBF). Based on our analysis of the comments and information received, we made changes to the *Preliminary Results,* which are discussed below. The final weighted-average dumping margin is listed below in the section titled ''Final Results of Review.''

DATES: *Effective Date:* April 14, 2015.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, 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:

Background

On December 8, 2014, the Department published the *Preliminary Results.* Since the *Preliminary Results,* the following events have taken place: The Department received timely case briefs from JBF on January 14, 2015, and from DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc., (collectively, Petitioners) on January 15, 2015.[2] JBF filed a timely rebuttal brief on January 20, 2015.[3]

Period of Review

The period of review is November 1, 2012, through October 31, 2013.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film (PET Film), whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised by parties in the case and rebuttal briefs are addressed in the Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Issues and Decision Memorandum for the Final Results'' (Decision Memorandum), dated concurrently with, and hereby adopted by, this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit of the main Commerce Building, Room 7046. In addition, a complete version of the Decision Memorandum is also accessible on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made adjustments to our margin calculations for JBF. Specifically, we have made adjustments for commissions JBF received in the home and U.S. markets, we have adjusted JBF's finance expense ratio, and we have adjusted the materials cost to account for certain inputs JBF purchased from an affiliated party.[4] A complete discussion of these adjustments and changes can be found in the Decision Memorandum.

Final Results of Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period of November 1, 2012, through October 31, 2013:

Producer or exporter	Weighted-average dumping margin (percent *ad valorem*)
JBF RAK LLC	11.49

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[5] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 72624 (December 8, 2014) (*Preliminary Results*).

[2] *See* ''Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Case Briefof JBF RAK, LLC,'' dated January 14, 2015 and ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from the United ArabEmirates: Petitioners' Case BriefCite briefs'' dated January 15, 2015.

[3] *See* ''Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Rebuttal Brief of JBF RAK, LLC,'' dated January 20, 2015.

[4] *See* Memorandum to Mark Hoadley, ''Final Analysis Memorandum for JBF RAK LLC,'' April 7, 2015.

[5] 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).

For assessment purposes we calculated importer-specific, *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.[6] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification applies to entries of subject merchandise during the period of review produced by companies under review in these final results for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate such entries at the all-others rate of 4.05 percent from the less-than-fair-value investigation if there is no rate for the intermediate company(ies) involved in the transaction.[8]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For the company covered by this review, the cash deposit rate will be equal to the weighted-average dumping margin listed above in the section ''Final Results of Review;'' (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 4.05 percent, the all-others rate established in the less than fair value investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the 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 or 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.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred which will result in the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: April 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Issues in the Decision Memorandum

Comment 1: Adjustments for Commissions in U.S. Dollars Rather than Local Currency

Comment 2: Financing Expense Ratio is Not Supported by Information on the Record

Comment 3: The Financing Expense Ratio Does Not Include All Elements of Financing

Comment 4: Differences in Prices Paid to Affiliated and Unaffiliated Suppliers in Material Cost Adjustments

Comment 5: Commissions to Offset Normal Value

[FR Doc. 2015–08581 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See* 19 CFR 351.212(b)(1).

[7] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *Id.; see also Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates,* 73 FR 66595, 66596 (November 10, 2008).

[9] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–844]

Narrow Woven Ribbons With Woven Selvedge From Taiwan: Rescission, in Part, of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective date:* April 14, 2015.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4682 and (202) 482–3693, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2010, the Department of Commerce (Department) published in the **Federal Register** the antidumping duty order on narrow woven ribbons with woven selvedge (narrow woven ribbons) from Taiwan.[1] On September 2, 2014, the Department published a notice of opportunity to request an administrative review of the antidumping duty order, covering the period September 1, 2013, through August 31, 2014.[2] On September 30, 2014, the Department received a timely request for an antidumping duty administrative review from the petitioner, Berwick Offray LLC, and its wholly-owned subsidiary Lion Ribbon Company, Inc. (the petitioner), for the following companies: (1) A-Madeus Textile Ltd. (A-Madeus); (2) Cheng Hsing Ribbon Factory (Cheng Hsing); (3) Fujian Rongshu Industry Co., Ltd. (Fujian Rongshu); (4) Guangzhou Complacent Weaving Co., Ltd. (Guangzhou Complacent); (5) Hen Hao Trading Co. Ltd. a.k.a. Taiwan Tulip Ribbons and Braids Co. Ltd. (Hen Hao); (6) King Young Enterprises Co., Ltd. (King Young); (7) Roung Shu Industry Corporation (Roung Shu); (8) Xiamen

[1] *See Narrow Woven Ribbons With Woven Selvedge From Taiwan and the People's Republic of China: Antidumping Duty Orders,* 75 FR 53632 (September 1, 2010).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 79 FR 51958 (September 2, 2014).

Especial Industrial Co., Ltd. (Xiamen Especial); (9) Xiamen Yi He Textile Co., Ltd. (Xiamen Yi He); (10) L'Emballage Tout; (11) Rubans G A R Inc (Les) (Rubans); (12) Bon-Mar Textiles; (13) Antonio Proietti Int Inc (Antonio Proietti Int); and (14) Imprimerie Mikan Inc. (Imprimerie Mikan).

On October 15, 2014, the petitioner withdrew its request for an administrative review of the following companies: (1) L'Emballage Tout; (2) Rubans; (3) Bon-Mar Textiles; (4) Antonio Proietti Int; and (5) Imprimerie Mikan. On October 30, 2014, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), the Department published in the **Federal Register** a notice of initiation of administrative review with respect to the remaining nine companies.[3]

On January 27, 2015, the petitioner withdrew its request with respect to King Young. On January 28, 2015, the petitioner withdrew its request for an administrative review of the following companies: (1) Cheng Hsing; (2) Fujian Rongshu; (3) Guangzhou Complacent; (4) Hen Hao; (5) Xiamen Especial; and (6) Xiamen Yi He.

Rescission, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioner's withdrawals of its requests were submitted within the 90-day period and, thus, are timely. Because the petitioner's withdrawals of its requests for an antidumping duty administrative review are timely, and because no other party requested a review of the companies listed above, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review, in part, with respect to the following companies: (1) Cheng Hsing; (2) Fujian Rongshu; (3) Guangzhou Complacent; (4) Hen Hao; (5) Xiamen Especial; (6) Xiamen Yi He; and (7) King Young.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: April 8, 2015.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–08593 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 64565, 64567 (October 30, 2014).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD861

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 Stock Assessment Review Panels (STAR Panels) will hold work sessions to review stock assessments for canary rockfish and darkblotched rockfish; bocaccio and China rockfish; black rockfish; and widow rockfish and kelp greenling, all of which are open to the public.

DATES: See **SUPPLEMENTARY INFORMATION** for specific dates and times of the STAR Panel meetings.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific locations of the STAR Panel meetings.

Council address: Pacific Fishery Management Council (Pacific Council), 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Jim Hastie, NMFS Northwest Fisheries Science Center; telephone: (206) 860–3412; or Mr. John DeVore, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The dates of the meetings are as follows:

The STAR Panel for canary rockfish and darkblotched rockfish assessments will be held beginning at 8:30 a.m., Monday, April 27, 2015 and end at 5:30 p.m. or as necessary to complete business for the day. The Panel will reconvene on Tuesday, April 28, and will continue through Friday, May 1, beginning at 8:30 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business. The Panel will adjourn on Friday, May 1.

The STAR Panel for bocaccio and China rockfish stock assessments will be held beginning at 8:30 a.m., Monday, July 6, 2015 and end at 5:30 p.m. or as necessary to complete business for the day. The Panel will reconvene on Tuesday, July 7 and will continue through Friday, July 10, beginning at 8:30 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business. The Panel will adjourn on Friday, July 10.

The STAR Panel for the black rockfish stock assessments will be held beginning at 8:30 a.m., Monday, July 20, 2015 and end at 5:30 p.m. or as necessary to complete business for the day. The Panel will reconvene on Tuesday, July 21 and will continue through Friday, July 24, beginning at 8:30 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business. The Panel will adjourn on Friday, July 24.

The STAR Panel for the widow rockfish and kelp greenling stock assessments will be held beginning at 8:30 a.m., Monday, July 27, 2015 and end at 5:30 p.m. or as necessary to complete business for the day. The Panel will reconvene on Tuesday, July 28, and will continue through Friday, July 31, beginning at 8:30 a.m. and

ending at 5:30 p.m. each day, or as necessary to complete business. The Panel will adjourn on Friday, July 31.

The locations of the meetings are as follows:

The STAR Panel for canary rockfish and darkblotched rockfish will be held the Hotel Deca, 4507 Brooklyn Avenue NE., Seattle, WA 98105; telephone: (206) 634–2000.

The STAR Panel for the bocaccio and China rockfish stock assessments will be held at the NMFS, Southwest Fisheries Science Center, Santa Cruz Laboratory, 110 Shaffer Road, Santa Cruz, CA 95060; telephone: (831) 420–3900.

The STAR Panels for the black rockfish stock assessments and the widow rockfish and kelp greenling stock assessments will be held at the NMFS, Northwest Fisheries Science Center, Newport Research Station, 2032 SE OSU Drive, Building 955, Newport, OR 97365; telephone: (541) 867–0500.

The purpose of the STAR Panels is to review draft 2015 stock assessment documents and any other pertinent information for new benchmark stock assessments for canary rockfish, darkblotched rockfish, bocaccio, China rockfish, black rockfish, widow rockfish, and kelp greenling; work with the Stock Assessment Teams to make necessary revisions; and produce STAR Panel reports for use by the Pacific Council and other interested persons for developing management recommendations for fisheries in 2017 and beyond. No management actions will be decided by the STAR Panels. The Panel's role will be development of recommendations and reports for consideration by the Pacific Council at its June meeting in Spokane, WA and its September meeting in Sacramento, CA.

Although non-emergency issues not contained in the meeting agenda may come before the STAR Panels participants for discussion, those issues may not be the subject of formal STAR Panel action during these meetings. Panel 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 Panel participants' intent to take final action to address the emergency.

All visitors to the NMFS science centers should bring photo identification to the meeting location. Visitors who are foreign nationals (defined as a person who is not a citizen or national of the United States) will require additional security clearance to access the NOAA facilities. Foreign national visitors should contact Dr. Jim Hastie at (206) 860–3412 at least 2 weeks prior to the meeting date to initiate the security clearance process.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: April 8, 2015.

William D. Chappell,

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

[FR Doc. 2015–08471 Filed 4–13–15; 8:45 am]

BILLING CODE 3501–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Northeast Multispecies Amendment 16.

OMB Control Number: 0648–0605.

Form Number(s): None.

Type of Request: Emergency revision of a currently approved information collection. Per the Paperwork Reduction Act regulations, 5 CFR 1320.13, we believe that use of this emergency process is essential to the mission of the agency, and the agency cannot reasonably comply with the normal clearance procedures under this part because public harm is reasonably likely to result if normal clearance procedures are followed.

Number of Respondents: 100.

Average Hours per Response: The daily catch report is estimated to take 15 minutes to complete.

Burden Hours: Based on trips to multiple broad stock areas taken during the 2013 fishing year, the average trip length for vessels that fish in multiple broad stock areas on a single trip is 5 days. If vessels take 7 trips per year, the burden estimate for daily trip reports is 8 hr, 45 min.

Needs and Uses: This is a request for comments on the proposed revision of OMB Control No. 0648–0605, the Information Collection for Amendment 16 to the Northeast Multispecies Fishery Management Plan, in conjunction with Final Rule 0648–BE75. The information collection currently approved under OMB Control No. 0648–0605 includes a number of reporting requirements necessary to end overfishing, rebuild overfished groundfish stocks, and mitigate the adverse economic impacts of increased effort controls. This revision proposes to modify only the broad stock area reporting requirements currently approved under the Information Collection for Amendment 16. We are seeking comments on a provision that, if approved, would require vessels that declare trips into the Gulf of Maine Broad Stock Area and any other broad stock area (*i.e.,* Georges Bank or Southern New England) on the same trip submit a daily catch report via vessel monitoring system (VMS). We have determined the daily VMS trip reports may be necessary to ensure accurate apportionment catch and help enforcement efforts. Vessels are currently required to submit trip level catch reports when declared into multiple broad stock areas, so the proposed change would affect only the frequency of submission.

Affected Public: Businesses and other for-profit organizations; individuals or households.

Frequency: On occasion, but daily submission would be required on trips declared into multiple broad stock areas.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 10 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 10, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–08667 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 15–05]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 15–05 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: April 9, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 06 2015

Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-05, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services estimated to cost $952 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

for J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Pakistan

(ii) *Total Estimated Value:*

Major Defense Equipment ..	$645 million
Other	307 million
Total	952 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 15 AH–1Z Viper Attack Helicopters, 32 T–700 GE 401C Engines (30 installed and 2 spares), 1000 AGM–114 R Hellfire II Missiles in containers, 36 H–1 Technical Refresh Mission computers, 17 AN/AAQ–30 Target Sight Systems, 30 629F–23 Ultra High Frequency/Very High Frequency Communication Systems, 19 H–764 Embedded Global Positioning System/Inertial Navigation Systems, 32 Helmet Mounted Display/ Optimized Top Owl, 17 APX–117A Identification Friend or Foe, 17 AN/ AAR–47 Missile Warning Systems, 17 AN/ALE–47 Countermeasure Dispenser Sets, 18 APR–39C(V)2 Radar Warning Receivers, 15 Joint Mission Planning Systems, and 17 M197 20mm Gun Systems. Also included are system integration and testing, software development and integration, aircraft ferry, support equipment, spare and repair parts, tools and test equipment, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (SBO); Army (WAX)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:* 06 April 2015

Policy Justification

Pakistan—AH–1Z Viper Attack Helicopters and AGM–114R Hellfire II Missiles

The Government of Pakistan has requested a possible sale of 15 AH–1Z Viper Attack Helicopters, 32 T–700 GE 401C Engines (30 installed and 2 spares), 1000 AGM–114 R Hellfire II Missiles in containers, 36 H–1 Technical Refresh Mission computers, 17 AN/AAQ–30 Target Sight Systems, 30 629F–23 Ultra High Frequency/Very High Frequency Communication Systems, 19 H–764 Embedded Global Positioning System/Inertial Navigation Systems, 32 Helmet Mounted Display/ Optimized Top Owl, 17 APX–117A Identification Friend or Foe, 17 AN/ AAR–47 Missile Warning Systems, 17 AN/ALE–47 Countermeasure Dispenser Sets, 18 AN/APR–39C(V)2 Radar Warning Receivers, 15 Joint Mission Planning Systems, and 17 M197 20mm Gun Systems. Also included are system integration and testing, software development and integration, aircraft ferry, support equipment, spare and repair parts, tools and test equipment, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics and program support. The total estimated cost is $952 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a country vital to U.S. foreign policy and national security goals in South Asia.

This proposed sale of helicopters and weapon systems will provide Pakistan with military capabilities in support of its counterterrorism and counter-insurgency operations in South Asia.

This proposed sale will provide Pakistan with a precision strike, enhanced survivability aircraft that it can operate at high-altitudes. By acquiring this capability, Pakistan will enhance its ability to conduct operations in North Waziristan Agency (NWA), the Federally Administered Tribal Areas (FATA), and other remote and mountainous areas in all-weather, day-and-night environments. Pakistan will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Bell Helicopter, Textron in Fort Worth, Texas; General Electric in Lynn, Massachusetts; The Boeing Company in Huntsville, Alabama; and Lockheed Martin in Bethesda, Maryland. There are no known offset agreements proposed in conjunction with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to participate in program and technical reviews, as well as training and maintenance support in country for a period of 66 months. It will also require three contractor representatives to reside in country for a period of three years to support this program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The AH–1Z Viper Attack Helicopter is a twin-engine attack helicopter that features a four-blade, bearingless, composite main rotor system, upgraded transmission, and a new target sighting system. The AH–1Z incorporates new rotor technology with upgraded military avionics, weapons systems, and electro-optical sensors in an integrated weapons platform. It has improved survivability and can find targets at longer ranges and attack them with precision weapons. The blades are made of composites, which have an increased ballistic survivability, and there is a semiautomatic folding system for stowage aboard amphibious assault ships. Its two redesigned wing stubs are longer, having stations for 2.75-inch (70 mm) Hydra 70 rocket pods and AGM–114 R NON–NATO Hellfire quad missile launchers.

a. The integrated avionics system (IAS) includes two mission computers and an automatic flight control system. Each crew station has two 8x6-inch multifunction liquid crystal displays (LCD) and one 4.2x4.2-inch dual function LCD display. The communications suite will have an ARC 210 629F–23 (NON COMSEC) Ultra High Frequency/Very High Frequency (UHF/VHF) radio, and associated communications equipment. The navigation suite includes a Honeywell H–764 Embedded Global Positioning System/Inertial Navigation System (EGIs), a digital map system and a low-airspeed air data subsystem, which allows weapons delivery when hovering.

b. The crew is equipped with the Optimized Top Owl (OTO) helmet-mounted sight and display system. The OTO has a Day Display Module (DDM) and a Night Display Module (NDM) harmonized to a night vision goggle to provide day/night capability. The AH–1Z has survivability equipment including the AN/AAR–47 Missile Warning and Laser Detection System, AN/ALE–47 Counter Measure Dispensing System (CMDS) and the AN/ APR–39C(V)2 Radar Warning Receiver

to cover countermeasure dispensers, radar warning, incoming/on-way missile warning and on-fuselage laserspot warning systems.

c. The AN/AAQ–30 Target Sight System (TSS) is the multi-sensor electro-optical/infrared (EO/IR) fire control system. The TSS provides target sighting in day, night or adverse weather conditions. It has a large aperture midwave Forward-Looking Infrared (FLIR) sensor, color television, laser designator/rangefinder and an on-gimbal inertial measurement unit integrated into a highly stabilized turret mounted to the nose of the aircraft. The TSS provides the capability to identify and laser-designate targets at maximum weapon range, significantly enhancing platform survivability and lethality. The TSS hardware is unclassified, but the laser designation implementation is classified Confidential.

d. The AN/AAR–47 Missile Warning System is unclassified. The AN/AAR–47 is a missile approach warning system used to notify the pilot of threats and to trigger the aircraft's countermeasures systems. The Operational Flight Program (OFP) and User Data Files used on the AN/AAR–47 are classified Secret. The software programs contain threat parametric data used to identify and establish priority of detected radar emitters.

e. The AN/ALE–47 Countermeasures Dispensing System is Unclassified. AN/AAR–47 is a threat-adaptive dispensing system that dispenses chaff, and flares for self-protection against airborne and ground-based Radio Frequency and Infrared threats. The AN/AAR–47OFP and Mission Data Files used in the AN/AAR–47 are classified Secret.

f. The AN/APR–39C(V)2 Radar Warning Receiver is unclassified. The AN/APR–39C(V)2 system detects the radio emissions of radar systems that might be a threat. The warning can then be used, manually or automatically, to evade the detected threat. The AN/APR–39C(V)2, OFP, and Mission Data Files used in the AN/AAR–47 are classified Secret.

g. The Rockwell Collins 629F–23 is an exportable version the ARC–210 programmable digital communication system. The 629F–23 is a fully digital transceiver, with performance from 30 to 512 MHz and provides interoperability between ground and airborne military forces and land-based civil agencies. The 629F–23 is Unclassified. This version does not offer a SAT COM or COMSEC capability.

h. The AN/APX–117 is a combined interrogator/transponder and is unclassified. The AN/APX–117 Identification Friend or Foe (IFF) is an exportable version of the USMC AN/APX–118 IFF with Modes 1,2,3,4, and Mode 5 capable being provided.

i. The H–1 Technical Refresh Mission Computer (TRMC) is an upgrade to the H–1 weapon system. The TRMC will contain the mission processor, video/graphics processing, and I/O required interfacing the TRMC with other elements of the Integrated Avionics Suite. The TRMC hardware is Unclassified. The OFP and Data Files used in the TRMC are classified Secret.

j. The crew is equipped with the Optimized Top Owl (OTO) helmet-mounted sight and display system. The OTO has a Day Display Module (DDM) and a Night Display Module (NDM to provide day/night capability.)

k. The H764 Embedded Global Positioning System/Inertial Navigation Systems (EGIs) is a modification of the H–1 CN–1689(V)13 units used on the USMC AH–1Z and UH–1Y to meet export requirements. The export version will remove the Precise Positioning Service-Security Module (PPS_SM) and replace it with a Standard Positioning service (SPS) GPS Receiver. The classification of the EGI is Unclassified.

l. The AGM–114 R Hellfire II missile is an air-to-surface missile with a multi-mission, multi-target, precision strike capability. The Hellfire can be launched from multiple air platforms and is the primary precision weapon for the United States Army.

m. The highest level for release of the AGM–114 R Hellfire II is Secret, based upon the software. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is Secret; the highest level that must be disclosed for production, maintenance, or training is Confidential. Reverse engineering could reveal Confidential information. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified Secret or Confidential.

n. The M197 20mm Gun System is a three-barreled electric Gatling-type rotary cannon used by the USMC AH–1Z aircraft. The Gun System incorporates a link less feed system that corrects problems with jamming. The system is capable of holding 650 rounds in the storage unit. The Gun system is Unclassified.

o. The Joint Mission Planning Systems (JMPS) provide support for unit-level mission planning for all phases of military flight operations and have the capability to provide necessary mission data for the aircrew. JMPS will support the downloading of data to electronics data transfer devices for transfer to aircraft and weapon systems. The JMPS will be tailored to the specific releasable configuration for the AH–1Z. The Joint Mission Planning System is Secret.

2. If a technologically advance adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent system with might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Government of Pakistan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Pakistan.

[FR Doc. 2015–08525 Filed 4–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Independent Review Panel on Military Medical Construction Standards (''the Panel'').

DATES:

Thursday, April 30, 2015

8:00 a.m.–8:45 a.m. EDT (Preparatory Session)

8:45 a.m.–11:45 a.m. EDT (Open Session)

11:45 a.m.–5:00 p.m. EDT (Preparatory Session)

ADDRESSES: Defense Health Headquarters (DHHQ), Pavilion Executive Conference Room 4P143, 7700 Arlington Blvd., Falls Church, Virginia 22042 (escort required; see guidance in **SUPPLEMENTARY INFORMATION,** ''Public's Accessibility to the Meeting'').

FOR FURTHER INFORMATION CONTACT: The Executive Director is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042,

Christine.e.bader.civ@mail.mil, (703) 681–6653, Fax: (703) 681–9539. For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *Kendal.l.brown2.ctr@mail.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting

At this meeting, the Panel will address the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year 2011 (Pub. L. 111–383), Section 2852(b) requirement to provide the Secretary of Defense independent advice and recommendations regarding a construction standard for military medical centers to provide a single standard of care, as set forth in this notice:

a. Reviewing the unified military medical construction standards to determine the standards consistency with industry practices and benchmarks for world class medical construction;

b. Reviewing ongoing construction programs within the DoD to ensure medical construction standards are uniformly applied across applicable military centers;

c. Assessing the DoD approach to planning and programming facility improvements with specific emphasis on facility selection criteria and proportional assessment system; and facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the Military Departments;

d. Assessing whether the Comprehensive Master Plan for the National Capital Region Medical (''the Master Plan''), dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Pub. L. 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the Master Plan result in world class military medical centers in the National Capital Region; and

e. Making recommendations regarding any adjustments of the Master Plan that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Panel meeting is open to the public from 8:45 a.m. to 11:45 a.m. on April 30, 2015, as the Panel will meet in an open forum to receive briefings on the Military Health System plan and Defense Health Agency's Facilities Division flexibility studies.

Availability of Materials for the Meeting

A copy of the agenda or any updates to the agenda for the April 30, 2015, meeting, as well as any other materials presented, may be obtained at the meeting.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than 12:00 p.m. on Thursday, April 23, 2015, to register and make arrangements for an escort, if necessary. Public attendees requiring escort should arrive with sufficient time to complete security screening no later than 30 minutes prior to the start of the meeting. To complete security screening, please come prepared to present two forms of identification and one must be a picture identification card.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the Panel may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the Panel may do so by submitting a written statement to the Executive Director (see the **FOR FURTHER INFORMATION CONTACT** section). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the Executive Director may choose to postpone consideration of the statement until the next open meeting.

The Executive Director will review all timely submissions with the Panel Chairperson and ensure they are provided to members of the Panel before the meeting that is subject to this notice. After reviewing the written comments, the Panel Chairperson and the Executive Director may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The Executive Director, in consultation with the Panel Chairperson, may allot time for members of the public to present their issues for review and discussion by the Panel.

Dated: April 9, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–08512 Filed 4–13–15; 8:45 am]

BILLING CODE 5001–06–P

ELECTION ASSISTANCE COMMISSION

Voting System Test Laboratory Program Manual, 2.0, for the U.S. Election Assistance Commission's Voting System Testing and Certification Program

AGENCY: United States Election Assistance Commission (EAC).

ACTION: Notice; publication of Voting System Test Laboratory Program Manual, Version 2.0, for 30 day public comment period on EAC Web site.

SUMMARY: The U.S. Election Assistance Commission (EAC) is publishing a procedural manual for its Voting System Testing and Certification Program. This manual sets the administrative procedures for voting system test laboratories in the EAC testing and certification program. Participation in the program is strictly voluntary. The program is mandated by the Help America Vote Act (HAVA) at 42 US.C. 15371.

SUPPLEMENTARY INFORMATION:

Background

HAVA requires that the EAC certify and decertify voting systems. Section

231(a)(1) of HAVA (42 U.S.C. 15371) specifically requires the EAC to ''. . . provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited laboratories.'' To meet this obligation, the EAC has created a voluntary program to test voting systems to Federal voting system standards. The Voting System Test Laboratory Program Manual, published below, will set the procedures for laboratories in this program.

EAC is required to submit the Testing and Certification Manual for approval in accordance with Paperwork Reduction Act of 1995 requirements. The Testing and Certification Division has updated sections of the manual to reflect proposed changes in certification procedures.

Comments

This notice is published in accordance with the Paperwork Reduction Act of 1995, to request comments regarding the burden of responding to the information collection activities of the proposed manual; please refer to the EAC's Web site, *www.eac.gov,* for further information about the submission of comments regarding burden.

DATES: Submit written or electronic comments on this draft procedural manual on or before 5:00 p.m. EDT on May 14, 2015.

ADDRESSES: Submit comments via email to *VotingSystemGuidelines@eac.gov;* via mail to Jessica Myers, Certification Program Specialist, U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910; or via fax to 202–566–1392. An electronic copy of the proposed manual may be found on the EAC's Web site *http://www.eac.gov/open/comment.aspx.*

FOR FURTHER INFORMATION CONTACT: Brian Hancock, Director, Voting System Certification, Washington, DC, (202) 566–3100, Fax: (202) 566–1392.

Bryan Whitener,

Director of Communications and Clearinghouse, U.S. Election Assistance Commission.

[FR Doc. 2015–08567 Filed 4–13–15; 8:45 am]

BILLING CODE 6820–KF–P

ELECTION ASSISTANCE COMMISSION

Procedural Manual for the Election Assistance Commission's Voting System Testing and Certification Program, Version 2.0

AGENCY: United States Election Assistance Commission (EAC).

ACTION: Notice; publication of Voting System Testing and Certification Manual, Version 2.0, for 30 day public comment period on EAC Web site.

SUMMARY: The U.S. Election Assistance Commission (EAC) is publishing a procedural manual for its Voting System Testing and Certification Program. This manual sets the administrative procedures for obtaining an EAC Certification for voting systems. Participation in the program is strictly voluntary. The program is mandated by the Help America Vote Act (HAVA) at 42 U.S.C. 15371.

SUPPLEMENTARY INFORMATION:

Background. HAVA requires that the EAC certify and decertify voting systems. Section 231(a)(1) of HAVA (42 U.S.C. 15371) specifically requires the EAC to ''. . . provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited laboratories.'' To meet this obligation, the EAC has created a voluntary program to test voting systems to Federal voting system standards. The Voting System Testing and Certification Manual, published below, will set the procedures for this program.

EAC is required to submit the Testing and Certification Manual for approval in accordance with Paperwork Reduction Act of 1995 requirements. The Testing and Certification Division has updated sections of the manual to reflect proposed changes in certification procedures.

Comments. This notice is published in accordance with the Paperwork Reduction Act of 1995, to request comments regarding the burden of responding to the information collection activities of the proposed manual; please refer to the EAC's Web site, *www.eac.gov,* for further information about the submission of comments regarding burden.

DATES: Submit written or electronic comments on this draft procedural manual on or before 5:00 p.m. EDT on May 14, 2015.

ADDRESSES: Submit comments via email to *VotingSystemGuidelines@eac.gov;* via mail to Jessica Myers, Certification Program Specialist, U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD, 20910; or via fax to 202–566–1392. An electronic copy of the proposed manual may be found on the EAC's Web site *http://www.eac.gov/open/comment.aspx.*

FOR FURTHER INFORMATION CONTACT: Brian Hancock, Director, Voting System Certification, Washington, DC, (202) 566–3100, Fax: (202) 566–1392.

Bryan Whitener,

Director of Communications and Clearinghouse, U.S. Election Assistance Commission.

[FR Doc. 2015–08534 Filed 4–13–15; 8:45 am]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket No. EERE–2015–BT–BC–0002]

DOE Participation in Development of the International Energy Conservation Code

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: The U.S. Department of Energy (DOE) participates in the public process administered by the International Code Council (ICC), which produces the International Energy Conservation Code (IECC). DOE develops and publishes code change proposals for the IECC, prior to submitting them to the ICC, to allow interested parties an opportunity to suggest revisions, enhancements and comments. This notice outlines the process by which DOE produces its code change proposals for the IECC, and otherwise participates in the ICC code development process. This process will be used when DOE participates in the development of the 2018 IECC and other codes developed by the ICC.

DATES: DOE is requesting written comments on the proposed process by which DOE will develop code change proposals for submission to the ICC by May 14, 2015.

ADDRESSES: Any comments submitted must identify the Notice for DOE Participation in Development of the International Energy Conservation Code, and provide docket number EERE–2015–BT–BC–0002. Comments may be submitted by using either of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-BC-0002.* Follow the instructions for submitting comments.

2. *Email: IECC2015BC0002@ee.doe.gov*. Include EERE–2015–BT–BC–0002 in the subject line of the message.

Instructions: All submissions received must include the agency name (U.S. DOE) and docket number. Additional information is included in the following sections.

FOR FURTHER INFORMATION CONTACT:

Jeremiah Williams; U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 287–1941; Email: *jeremiah.williams@ee.doe.gov*.

For legal issues:

Kavita Vaidyanathan; U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC–33, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–0669; Email: *kavita.vaidyanathan@hq.doe.gov*.

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A. Technical Analysis
B. Proposal Development
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A. Stakeholder Input
B. Ex-Parte Guidance

I. Introduction

The U.S. Department of Energy (DOE) supports the International Energy Conservation Code (IECC) by participating in the code development processes administered by the International Code Council (ICC). As a participant in this process, DOE considers and evaluates concepts to be submitted as proposed changes to the IECC (''code''). This Notice outlines the process by which DOE produces code change proposals and participates in the ICC code development process, including the 2018 IECC, as well as other codes published by the ICC.

A. Statutory Authority

Title III of the Energy Conservation and Production Act, as amended (ECPA), establishes requirements related to energy conservation standards for new buildings. (42 U.S.C. 6831–6837) Section 307 (b) of ECPA directs DOE to support voluntary building energy codes by periodically reviewing the technical and economic basis of the voluntary building codes, recommending amendments to such codes, seeking adoption of all technologically feasible and economically justified energy efficiency measures, and otherwise participate in any industry process for review and modification of such codes. (42 U.S.C. 6836(b))

B. Background

The DOE Building Energy Codes Program mission supports the development and implementation of model building energy codes and standards to achieve the maximum practicable and cost-effective improvements in energy efficiency, while providing safe, healthy buildings for occupants.[1] Part of this mission is directed at the IECC, which serves as a model energy code, and is adopted by many U.S. states, territories, the District of Columbia, and localities across the nation. The ICC administers development of the IECC through a public process, with revisions taking place every three years under the ICC governmental consensus process. As part of this process, any interested party can propose changes to the IECC, with proposed code changes subject to the bylaws, policies and procedures defined by the ICC.[2]

II. DOE Participation in the ICC Development Process

The Department seeks to advance energy efficiency by cost-effectively strengthening the code and clarifying provisions to be more easily understood, implemented and enforced. DOE is directed to participate in the development of model building energy codes, such as the IECC, for residential and commercial buildings. DOE participates in the ICC development process by:

- Conducting technical *analyses* to identify concepts for consideration;
- Developing and submitting *proposals* based on concepts deemed credible and cost-effective; *and*
- Supporting proposals through the ICC *public hearing* process.

A. Technical Analyses

In preparation for the development of code change proposals, DOE conducts analyses to ensure that its proposals are technologically feasible and economically justified. DOE analyses will identify anticipated energy and economic savings impact associated with its energy savings concepts. This ensures that DOE proposals are cost-effective as defined by established, publicly reviewed DOE methodologies.[3]

Analyses performed by DOE or its contractors for the purposes of developing code change proposals are technical in nature. DOE is not obligated to conduct analyses for outside parties, but reserves the right to do so where it believes they will support DOE statutory obligations. In conducting such analyses, DOE does not represent or endorse particular individuals or organizations. DOE also cannot enter into joint code change proposals with the exception of proposals submitted jointly with another federal agency.

B. Proposal Development and Submission

Satisfactory concepts will be turned into draft code change proposals. To allow interested parties to comment, DOE will post these, along with supporting data and analyses, prior to submitting them to the ICC. DOE will modify its proposals as comments and new information become available; modified versions, with preceding versions of each proposal archived, and changes annotated between each version will also be posted. Final proposals will be clearly identified, and will be posted prior to submission to the ICC. All posted information will be available at *http://www.energycodes.gov/development*.

C. ICC Public Hearings

DOE maintains organizational membership with the ICC. As a Governmental Member, DOE intends to participate as defined by the guiding ICC rules and procedures, including participation in the ICC public hearings and exercising assigned voting privileges. At ICC hearings, DOE:

- Will present and defend its own proposals; and
- May present the results of technical analyses it has conducted, including analyses of other parties' proposals when it believes the development process will be improved by providing such information.

The presentation of a DOE proposal or technical analysis does not constitute an endorsement of any particular proposal or product. DOE may alter its proposals based on the procedural events of the official ICC hearing process without seeking further public comment. DOE may also seek additional public comment, such as in cases when a particular proposal is significantly modified for resubmission, following the ICC Committee Action Hearings.

[1] *See http://www.energycodes.gov/about.*

[2] *See http://www.iccsafe.org/cs/codes/pages/default.aspx.*

[3] *See http://www.energycodes.gov/development.*

III. Public Participation in the Development of DOE Proposals

A. Stakeholder Input

The public will have the following opportunities to provide DOE with input:

1. Comments on posted *proposals* and
2. Participation in *public meetings.*

Public Comment on DOE Proposals: DOE intends to make information available to the general public as it comes available. As information will be updated continually throughout the process, interested parties are urged to closely monitor the DOE Building Energy Codes Program Web page and stakeholder mailing lists to remain current with DOE activities. As materials will be posted over an extended period of time, the Web site will provide additional instructions on submitting comments on DOE proposals, including associated comment deadlines.

DOE will publish a notice in the **Federal Register** when its draft proposals and supporting materials begin to become available for public review. Note that DOE will not provide responses to individual public comments, but will consider all information received, and will incorporate all appropriate information into updated versions of its proposals. All DOE proposals and supporting documentation will be made available for review at *http://www.energycodes.gov/development.*

Participation in Public Meetings. DOE intends to convene one or more public meetings during each code cycle to present its proposals and supporting information, and to receive questions and feedback from interested and affected stakeholders. Such meetings will also be used to encourage and facilitate the free exchange of ideas, with the intent of improving proposals from all parties. DOE will both moderate and participate in these meetings. Note that DOE will not attempt to bring stakeholders to a consensus; rather DOE's role will be to increase understanding of the concepts discussed. These meetings will also be announced in the **Federal Register**.

B. Ex-Parte Guidance

DOE anticipates that it or its contractors may be contacted regarding code concepts, ideas or change proposals prior to and during the code hearings. While DOE code change proposals submitted to the ICC are not regulations, DOE will follow its ex parte communication policy for such communications prior to the code hearings. DOE guidance on ex parte communications was published on January 21, 2009 (74 FR 4685).[4] As described in the guidance, individuals or entities that communicate with DOE or its contractors prior to the code hearing must provide a memorandum summarizing the communication, which will be included in the public docket consistent with the ex parte guidance.

During each ICC hearing process, DOE will maintain a published Web site containing submitted DOE proposals, which will also contain a link directed to the Web site and materials maintained by the ICC. DOE recognizes that the code development and public hearing process is based on processes established by the ICC, which do not constitute ex parte communications, and therefore, any discussions of the process at code hearings do not need to follow the guidance.

Issued in Washington, DC, on April 7, 2015.

David Cohan,

Manager, Building Energy Codes Program, Building Technologies Office, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–08599 Filed 4–13–15; 8:45 am]

BILLING CODE 6450–01–P

[4] *See http://energy.gov/gc/downloads/guidance-ex-parte-communications.*

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket Number EERE–2015–BT–BC–0001]

Request for Information: Updating and Improving the DOE Methodology for Assessing the Cost-Effectiveness of Building Energy Codes

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE) is seeking input on how it may update and improve its methodology for assessing the cost-effectiveness (which includes an energy savings assessment) of residential and commercial building energy codes. DOE is directed by statute to provide technical assistance to states to support the implementation of model building energy codes. As part of this role, DOE conducts national and state-level analysis to assess the cost-effectiveness of building energy codes and proposed changes. DOE is interested in feedback on its analysis methodology, preferred sources of cost data, and parameter assumptions surrounding its cost-effectiveness assessment. In addition, DOE is seeking information on the general costs, benefits, and economic impacts associated with building energy codes. This notice identifies several areas where interested parties may provide suggestions, comments, and other information.

DATES: Written comments and information are requested by May 14, 2015.

ADDRESSES: Comments must identify the docket number EERE–2015–BT–BC–0001 and may be submitted using any of the following methods:

1. *Regulations.gov: http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-BC-0001.* Follow the instructions for submitting comments.
2. *Email: BCMethodology2015 BC0001@ee.doe.gov.* Include EERE–2015–BT–BC–0001 in the subject line of the message.
3. *Postal Mail:* Ms. Brenda Edwards; U.S. Department of Energy, Building Technologies Office EE–5B, 1000 Independence Avenue SW., Washington, DC 20585; Phone: (202) 586–2945. Please submit one signed paper original.

Further instructions, including the use of topic identifiers, are provided in the *Public Participation* section of this notice. Comments submitted in response to this notice will become a matter of public records and will be made publicly available.

Public Docket: The docket, which includes notices published in the **Federal Register** and public comments received, is available for review at Regulations.gov. All documents in the docket are listed in the Regulations.gov index. However, some documents listed in the index, such as those containing information exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found under *Public Participation* at: *http://www.energycodes.gov/events.* This Web page will also contain a link to the docket for this notice on Regulations.gov. The Regulations.gov site will contain instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a comment, review comments received, or otherwise participate in the public comment process, contact Ms. Brenda Edwards by phone at (202) 586–2945 or email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Jeremiah Williams; U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building

Technologies Office EE–5B, 1000 Independence Avenue SW., Washington, DC 20585; Phone: (202) 287–1941, Email: *jeremiah.williams@ee.doe.gov.*

For legal matters, contact: Kavita Vaidyanathan; U.S. Department of Energy, Office of the General Counsel, Forrestal Building, Mailstop GC–33, 1000 Independence Ave SW., Washington, DC 20585; Phone: (202) 586–0669, Email: *kavita.vaidyanathan@hq.doe.gov.*

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A. Addressing Code Changes With Multiple Approaches to Compliance
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I. Authority and Background

Section 307(b) of the Energy Conservation and Production Act (ECPA, Pub. L. 102–486), as amended, directs DOE to support voluntary building energy codes by periodically reviewing the technical and economic basis of the voluntary building energy codes and to ''seek adoption of all technologically feasible and economically justified energy efficiency measures; and . . . otherwise participate in any industry process for review and modification of such codes'' (42 U.S.C. 6836(b)(2) and (3)). DOE participates in the development of the International Energy Conservation Code (IECC), maintained by the International Code Council (ICC) for residential and commercial buildings, and in the development of Standard 90.1, maintained by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) for commercial buildings.

This Request for Information (RFI) seeks public input on revisions to DOE's established methodologies for assessing the cost-effectiveness of proposed changes to residential and commercial building energy codes and new editions of such codes. DOE has previously expressed interest in receiving information surrounding the costs and benefits associated with building energy codes (78 FR 47677 and 79 FR 27778). The current request for information will ensure that DOE is able to maintain appropriate means of evaluating the cost-effectiveness of building energy codes, including the selection of appropriate data sources and methods to analyze the economic impacts associated with code updates. This notice is intended to communicate relevant updates to the general public and solicit feedback on the specific analysis parameters subject to revision. In addition, this request provides a broader opportunity for input on DOE's designated methods. DOE uses these methodologies to inform its participation in the update processes of the IECC, ASHRAE Standard 90.1, and other building energy codes—both in developing proposals and in assessing the proposals of others, when necessary. DOE also uses these methodologies in assessing the cost-effectiveness of new code editions. DOE evaluates energy codes and code proposals based on life-cycle cost analysis, accounting for energy savings, incremental investment for energy efficiency measures, and other economic impacts.

The value of future savings and costs are discounted to a present value, with improvements deemed cost-effective when the net savings is positive. Assessing the cost-effectiveness of a proposed code change or a newly revised code involves *three primary steps:*

1. Estimating the *energy savings* of the changed code provision(s),
2. estimating the *first cost* of the changed provision(s), and
3. calculating the corresponding *economic impacts* of the changed provision(s).

These steps are detailed in the established residential and commercial methodologies, as referenced later in this RFI (see the *Analysis of Residential Buildings* and *Analysis of Commercial Buildings* sections of this notice). The DOE methodologies for residential and commercial buildings have the same life-cycle cost basis and parallel one another closely. However, because there is variation in the economic criteria associated with different types of commercial building ownership, up to *three scenarios* may be used for commercial cost-effective analysis:

- Scenario 1 (also referred to as the *Publicly-Owned Method*): Life-cycle cost analysis method representing government or public ownership (without borrowing or taxes).
- Scenario 2: (also referred to as the *Privately-Owned Method*): Life-cycle cost analysis method representing private or business ownership (includes loan and tax impacts).
- Scenario 3: (also referred to as the *ASHRAE 90.1 Scalar Method* [1]): Represents a pre-tax private investment point of view, and uses economic inputs established by the ASHRAE 90.1 Standing Standard Project Committee (SSPC).

For the commercial methodology DOE is seeking public input only on the method and sources for parameters of Scenario 2, as the method and parameters for Scenario 1 are established by federal regulation, and the method and parameters for Scenario 3 are established by the ASHRAE 90.1 SSPC. DOE intends to continue to rely on Scenarios 1 and 3 since they are required for federal projects and addenda to ASHRAE Standard 90.1, respectively.

In preparation for this RFI, DOE reviewed the established residential and commercial methodologies and is proposing revisions. These revisions are limited to minor clarifications and attempts to streamline certain portions; the overall methodology remains unchanged in terms of procedure and content. For brevity, only the proposed revisions to the methodologies are discussed here; the entire residential methodology and commercial methodology are available for review, as referenced below (see *Analysis for Residential Buildings* and *Analysis for Commercial Buildings* sections of this notice) and are not published in full within the current RFI.

II. Analysis of Residential Buildings

The focus of this section of the RFI is residential buildings, which DOE defines in a manner consistent with the IECC—one- and two-family dwellings, townhouses, and low-rise (three stories or less above grade) multifamily residential buildings. DOE previously established a methodology for assessing

[1] McBride M.F., ''Development of Economic Scalar Ratios for ASHRAE Standard 90.1 R,'' in Proceedings of Thermal Performance of the Exterior Envelopes of Buildings VI, ASHRAE (presented at the Thermal Performance of the Exterior Envelopes of Buildings VI, ASHRAE, 1995), *http://consensus.fsu.edu/FBC/2010-Florida-Energy-Code/901_Scalar_Ratio_Development.pdf.*

the cost-effectiveness of changes made to the residential building energy code through an RFI process published in the **Federal Register** on September 13, 2011 (76 FR 56413). DOE took into consideration the information it received during the public comment period, and published the final methodology in 2012.[2] This methodology, hereafter referred to as the ''established residential methodology,'' was used for assessing cost-effectiveness of the 2009 and 2012 IECC compared with the 2006 IECC at the national and state levels,[3] and in analyzing cost-effectiveness of code change proposals developed by DOE for submission to the ICC in the development of the 2015 IECC.[4]

A. Changes and Issues Related to Estimating Energy Savings of Code Changes

The established methodology for estimating energy savings of residential code changes remains unchanged except for the following proposed revisions:

1. Prototypes

Single-family and multifamily residential building prototypes are used to assess the energy and cost impact of residential energy codes.[5] Minor revisions are proposed to prototype building characteristics to better align them with current construction practices or simplify the energy modeling process. These characteristics are summarized in are summarized in are summarized in Table II.1 and Table II.2 with proposed changes indicated in *italics* (with the unchanged characteristics included to provide context).

The first proposed change to the DOE residential building prototypes surrounds the assumption for ''area below roofs/ceilings'' for both single- and multifamily buildings. DOE proposes to modify the former value of 70 percent with attic (and the remaining 30 percent cathedral) to a revised value of 100 percent with attic. This change is intended to simplify the energy modeling process. The second proposed change focuses on the ''internal gains'' assumption for the single-family prototype, which is revised from a value of 91,436 Btu/day to 87,332 Btu/day. This change updates the previous assumption to align with Section 405 of the 2015 IECC. The third and final change modifies the ''window area'' assumption for the multifamily prototype, revised from a value of 14 percent relative to *conditioned floor area* to 23 percent relative to *exterior wall area* not including breezeway walls. Note that the revised exterior wall area *metric* is the target of the change (*i.e.,* not the actual quantity of window area), and is considered to better reflect typical multifamily building construction.

DOE is seeking public input on these proposed revisions (Topic R01). Note that the non-revised content in the tables remains unchanged from the established methodology.

TABLE II.1—SINGLE-FAMILY PROTOTYPE CHARACTERISTICS

Parameter	Assumption
Conditioned floor area	2,400 ft^2 (plus 1,200 ft^2 of conditioned basement, where applicable).
Footprint and height	30-ft-by-40 ft, two-story, 8.5-ft-high ceilings.
Area above unconditioned space	1,200 ft^2.
Area below roofs/ceilings	1,200 ft^2, *100% with attic*.
Perimeter length	140 ft.
Gross exterior wall area	2,380 ft^2.
Window area (relative to conditioned floor area).	Fifteen percent equally distributed to the four cardinal directions (or as required to evaluate glazing-specific code changes).
Door area	42 ft^2.
Internal gains	*87,332 Btu/day*.
Heating system	Natural gas furnace, heat pump, electric furnace, or oil-fired furnace.
Cooling system	Central electric air conditioning.
Water heating	Natural gas, or as required to evaluate domestic hot water-specific code changes.
Foundation type	Slab-on-grade, vented crawlspace, heated basement and unheated basement.

Note: Proposed changes indicated in *italics*.

TABLE II.2—MULTIFAMILY PROTOTYPE CHARACTERISTICS

Parameter	Assumption
Conditioned floor area	1,200 ft^2 per unit, or 21,600 ft^2 total (plus 1,200 ft^2 of conditioned basement on ground-floor units, where applicable).
Footprint and height	Each unit is 40 ft wide by 30 ft deep, with 8.5-ft-high ceilings. The building footprint is 120 ft by 65 ft.
Area above unconditioned space	1,200 ft^2 on ground-floor units.
Wall area adjacent to unconditioned space.	None.
Area below roofs/ceilings	1,200 ft^2, *100% with attic on top-floor units*.
Perimeter length	370 ft (total for the building), 10 ft of which borders the open breezeway.
Gross wall area	5,100 ft^2 per story, 2,040 ft^2 of which faces the open breezeway (15,300 ft^2 total).
Window area (relative to exterior wall area not including breezeway walls).	*23%*.
Door area	21 ft^2 per unit (378 ft^2 total)
Internal gains	54,668 Btu/day per unit (984,024 Btu/day total)

[2] Taylor, T, N. Fernandez, and R. Lucas. 2012. *Methodology for Evaluating Cost-effectiveness of Residential Energy Code Changes.* DOE EERE Building Energy Codes Program. Available at: *www.energycodes.gov/sites/default/files/documents/residential_methodology.pdf.*

[3] See: *www.energycodes.gov/development/residential/iecc_analysis.*

[4] See: *www.energycodes.gov/residential-code-change-proposals-2015-iecc.*

[5] Mendon, V., and Z.T. Taylor. 2014. *Development of Residential Prototype Building Models and Analysis System for Large-Scale Energy Efficiency Studies Using EnergyPlus.* 2014 ASHRAE/IBPSA–USA Building Simulation Conference. Atlanta, GA.

TABLE II.2—MULTIFAMILY PROTOTYPE CHARACTERISTICS—Continued

Parameter	Assumption
Heating system	Natural gas furnace, heat pump, electric furnace, or oil-fired furnace.
Cooling system	Central electric air conditioning.
Water heating	Natural gas, or as required to evaluate domestic hot water-specific code changes.
Foundation type	Slab-on-grade, vented crawlspace, heated basement and unheated basement.

Note: Proposed changes indicated in *italics*.

2. Weather Locations

DOE will continue to draw from a set of 119 climate locations comprised of one representative location for each climate zone and moisture regime within each state. The overall set of climate locations are described in the established residential methodology. However, DOE is proposing to apply fewer climate locations when a subset of locations is sufficient for specific analyses, such as DOE has applied in the past as part of its analysis surrounding commercial buildings.

In conducting national analyses, which tend to be less sensitive to regional variations in climates, DOE intends to utilize one representative weather location per climate zone, including a separate location for each moisture regime. This approach is intended to conserve time and computing resources in situations where regional variation does not significantly impact overall findings. In addition, DOE may apply this approach in performing analyses that are preliminary or limited in nature, such as in analyzing individual code change proposals. The simulation results will be weighted to the national level using weighting factors from the established methodology rolled up to the national climate zone level for consistency between the two schemes. For aggregating results across foundation, heating system and building types the method will be similar to the current approach, but with fewer discrete weather locations.

A similar approach will be followed for state-level or other regional analyses, with DOE utilizing those climate locations (from the overall set) that are representative of the geographic area being analyzed. This selection will often include a number of distinct locations that adequately capture regional variation within the scope of the analysis, such as within a target state. In addition, the selection of locations in conducting state-level analyses may be modified based on what is deemed credible by the target audience. For analyses targeting a particular climate zone, results will be weighted using the regime weight within the climate zone.

The weather locations and resulting overall location construction weights for the national climate zones are summarized in Table II.3. DOE is seeking public input on the appropriateness of using fewer weather stations for national and preliminary analysis (Topic R02).

TABLE II.3—CLIMATE LOCATIONS FOR THE NATIONAL SCHEME WITH WEIGHTING FACTORS

Climate zone	Moisture regime	Representative location		Regime weight within zone (%)	Overall location weight (%)
		State	City		
1	Tropical	Hawaii	Honolulu	42	0.5
	Moist	Florida	Miami	58	0.7
2	Dry	Arizona	Phoenix	10	2.1
	Moist	Texas	Houston	90	18.4
3	Dry	Texas	El Paso	30	7.9
	Marine	California	San Francisco	5	1.3
	Moist	Tennessee	Memphis	65	16.9
4	Dry	New Mexico	Albuquerque	2	0.6
	Marine	Oregon	Salem	15	3.4
	Moist	Maryland	Baltimore	83	19.2
5	Dry	Idaho	Boise	23	4.9
	Moist	Illinois	Chicago	77	16.0
6	Dry	Montana	Helena	18	1.2
	Moist	Vermont	Burlington	82	5.6
7		Minnesota	Duluth	100	1.3
8		Alaska	Fairbanks	100	0.0

B. Changes and Issues Related to Estimating the Cost-Effectiveness of Code Changes

DOE noticed typographical errors in two equations published in the established methodology where a term was not reproduced as intended. The corrected Equations 1 and 2 are included below (missing term is underlined):

$$Tax\ deduction_y =$$

$$Property\ Tax_y + R_{IT} \times Mortgage\ Payment \times \underline{R_{MI}} \times \left[\frac{1+R_{MI}^{T-y+1}-1}{R_{MI}\times 1+R_{MI}^{T-y+1}}\right] \quad (1)$$

$$mortgage\ fee = R_{MF} \times C \times \underline{(1 - R_{DP})} \quad (2)$$

DOE is not seeking public input on the changes to Equations 1 and 2.

III. Analysis of Commercial Buildings

The focus of this section of the RFI is commercial buildings, which DOE defines in a manner consistent with both ASHRAE Standard 90.1 and the IECC—buildings except one- and two-family dwellings, townhouses, and low-rise (three stories or less above grade) multifamily residential buildings. DOE has developed a consistent and transparent methodology for assessing the cost-effectiveness of commercial code change proposals and for assessing the cost-effectiveness of new code versions.[6] This methodology, hereafter referred to as the ''established commercial methodology,'' was used for assessing cost-effectiveness of ASHRAE Standards 90.1–2010 and 90.1–2013 and in supplementing cost-effectiveness criteria of certain code change proposals developed by DOE for submission to the ICC in the development of the 2015 IECC.[7]

A. Changes and Issues Related to Estimating Energy Savings of Code Changes

ASHRAE SSPC 90.1 has updated its representative cities based on changes in ASHRAE Standard 169–2013 (*Climatic Data for Building Design Standards*), and has adopted the revised climate zones into ASHRAE Standard 90.1. DOE has noted this change in the code, itself, as affecting DOE analysis. However, DOE is not seeking public comment on the use of the new representative cities for its analysis.

B. Changes and Issues Related to Estimating the Cost-Effectiveness of Code Changes

1. Property Tax Impact

The proposed commercial methodology includes an adjustment to the life-cycle cost for the impact of property taxes. This is a change from the established commercial method that was used for the state cost-effectiveness analyses of ASHRAE Standard 90.1–2010 and the ASHRAE Standard 90.1–2013 analysis.[8] Under the revised commercial methodology, the property tax impact is proposed to be included in Scenario 2 life-cycle cost as follows:

$$PV(P) = C(R_P)\left(\frac{(1+D_r)^L - 1}{D_r(1+D_r)^L}\right)(1 - R_{TF})$$

Where:

$PV(P)$ = present value of property tax net of federal income tax benefit
C = incremental first costs
R_P = property tax rate
D_r = real discount rate
L = period of analysis
R_{TF} = income tax rate, federal

This proposed change from prior commercial cost-effectiveness practice to include property tax impacts makes the commercial method more robust and further consistent with the residential method. DOE is seeking public input on the appropriateness of the addition of property tax impact analysis to Scenario 2 of the cost-effectiveness methodology. (Topic C01).

IV. Common Issues for Both Residential and Commercial Buildings

There are common issues for both residential and commercial buildings related to cost estimate development when there are multiple paths to compliance and regarding the preferred sources of economic and other parameters.

A. Addressing Code Changes With Multiple Approaches to Compliance

As discussed in both methodologies, DOE anticipates that some new code provisions may have significantly different first costs depending on unrelated aesthetic choices or exceptions and flexibility options in the code. For example, a requirement for window shading could be met with interior blinds, electro-chromatic windows, static exterior shades, or an active tracking exterior shading system. Or, a reasonable window-to-wall ratio may be set as a baseline for standard efficiency heating, ventilation, and cooling (HVAC) equipment, and exceeding that ratio may require more expensive higher efficiency HVAC equipment. It has been suggested, for example, that a future code may replace or supplement independent prescriptive requirements with options expected to provide similar energy cost and performance.

For any of these situations with multiple compliance paths, DOE intends to focus on the least-cost approach deemed to be effective and meet the code requirement rather than include the cost of niche or optional technology. For example, if there are multiple options available to comply with the code, and if one widely applicable and accepted option is found to be cost-effective, then the approach would be deemed cost-effective. This is because there is one cost-effective path through the code, and if a higher cost option is chosen, that is the developer or designer's choice.

Furthermore, some new code provisions may come with no specific construction changes at all, but rather be expressed purely as a performance requirement. DOE intends to evaluate any such code changes case-by-case and will search the research literature or conduct new analyses to determine the reasonable set of construction changes

[6] Hart, R, and B. Liu. 2015. ''Methodology for Evaluating Cost-effectiveness of Commercial Energy Code Changes.'' DOE EERE Building Energy Codes Program. Available at: *www.energycodes.gov/development/commercial/methodology.*

[7] See: *www.energycodes.gov/development/commercial/2015IECC.*

[8] See: *http://www.energycodes.gov/development/commercial/cost_effectiveness.*

that could be expected to emerge in response to such new requirements.

DOE is seeking public input on the appropriateness of assessing the first cost where a new or changed requirement can be met by multiple construction approaches with varying cost implications (Topic G01).

B. Economic Parameters and Inputs

The data sources and procedures for establishing economic parameters required for calculating the metrics described above are described in detail in the established residential methodology and established commercial methodology (see *Analysis for Residential Buildings* and *Analysis for Commercial Buildings* sections of this notice). DOE will use the most recent values of these parameters available at the time an analysis is begun. DOE is seeking public input on whether this approach can be improved through use of data sources not included in the established commercial and residential methodologies (Topic G02).

V. Public Participation

A. Submission of Information

DOE will accept information in response to this notice under the timeline provided in the **DATES** section of this notice. Comments should be submitted by one of the methods listed in the **ADDRESSES** section of this notice. Comments should include the topic identifier (*e.g.,* G01, R01, R02, C01, C02, etc.) in the subject line and throughout the submission, as applicable, to aid in associating comments with the requested topics. In summary, DOE is particularly interested in receiving information on the following issues/topics:

B. General Issues on Which DOE Seeks Information

G01. The appropriateness of assessing the first cost where a new or changed requirement can be met by multiple construction approaches with varying cost implications

G02. Suggestions for preferred cost and economic parameter data sources

C. Residential Issues on Which DOE Seeks Information

R01. The appropriateness of revisions to the prototypes used for residential analysis

R02. The appropriateness of using fewer weather stations for national and preliminary analysis

R03. Other comments on DOE's residential cost-effectiveness methodology for code change analysis

D. Commercial Issues on Which DOE Seeks Information

C01. The appropriateness of the addition of property tax impact analysis to the Scenario 2 cost-effectiveness methodology

C02. Other comments on DOE's commercial cost-effectiveness methodology for code change analysis

Issued in Washington, DC, on April 7, 2015.

David Cohan,

Manager, Building Energy Codes Program, Building Technologies Office, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–08601 Filed 4–13–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–82–000.
Applicants: Spokane Energy, LLC, Avista Corporation.
Description: Supplement to March 2, 2015 Joint Application of Spokane Energy, LLC and Avista Corporation for Approval of Assignment of Capacity Sales Agreement.
Filed Date: 4/8/15.
Accession Number: 20150408–5136.
Comments Due: 5 p.m. ET 4/20/15.

Docket Numbers: EC15–115–000.
Applicants: American Transmission Company LLC.
Description: Application for Authority to Acquire Transmission Facilities Under Section 203 of the FPA of American Transmission Company LLC.
Filed Date: 4/7/15.
Accession Number: 20150407–5253.
Comments Due: 5 p.m. ET 4/28/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–697–001.
Applicants: Tonopah Solar Energy, LLC.
Description: Third supplement to December 22, 2014 Tonopah Solar Energy, LLC tariff filing.
Filed Date: 4/7/15.
Accession Number: 20150407–5257.
Comments Due: 5 p.m. ET 4/17/15.

Docket Numbers: ER15–1019–000.
Applicants: Fowler Ridge IV Wind Farm LLC.
Description: Supplement to February 10, 2015 Fowler Ridge IV Wind Farm LLC tariff filing.
Filed Date: 4/7/15.
Accession Number: 20150407–5256.
Comments Due: 5 p.m. ET 4/17/15.

Docket Numbers: ER15–1332–001.
Applicants: Arbuckle Mountain Wind Farm LLC.
Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 5/18/2015.
Filed Date: 4/8/15.
Accession Number: 20150408–5095.
Comments Due: 5 p.m. ET 4/29/15.

Docket Numbers: ER15–1333–001.
Applicants: Waverly Wind Farm LLC.
Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 5/18/2015.
Filed Date: 4/8/15.
Accession Number: 20150408–5096.
Comments Due: 5 p.m. ET 4/29/15.

Docket Numbers: ER15–1470–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing per 35: Request for Expedited Grant of Waiver to be effective N/A.
Filed Date: 4/7/15.
Accession Number: 20150407–5215.
Comments Due: 5 p.m. ET 4/14/15.

Docket Numbers: ER15–1471–000.
Applicants: Blue Sky West, LLC.
Description: Initial rate filing per 35.12 Application for Market-Based Rate Authority to be effective 6/1/2015.
Filed Date: 4/7/15.
Accession Number: 20150407–5239.
Comments Due: 5 p.m. ET 4/28/15.

Docket Numbers: ER15–1472–000.
Applicants: Niagara Mohawk Power Corporation.
Description: Notice of Cancellation of Borderline Sales Agreement with Pennsylvania Electric Co., Rate Schedule No. 185 of Niagara Mohawk Power Corporation.
Filed Date: 4/7/15.
Accession Number: 20150407–5252.
Comments Due: 5 p.m. ET 4/28/15.

Docket Numbers: ER15–1473–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–04–08_SA 2771 ATC-Cloverland Common Facilities Agreement to be effective 6/8/2015.
Filed Date: 4/8/15.
Accession Number: 20150408–5037.
Comments Due: 5 p.m. ET 4/29/15.

Docket Numbers: ER15–1474–000.
Applicants: Southern California Edison Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): GIA and Distrib Serv Agmt Boomer Solar 12 LLC 810 Wanamaker Ave. Ontario Project to be effective 4/9/2015.

Filed Date: 4/8/15.

Accession Number: 20150408–5078.

Comments Due: 5 p.m. ET 4/29/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 8, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08515 Filed 4–13–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission

DATE AND TIME: April 16, 2015, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: OPEN.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1016TH—MEETING, REGULAR MEETING

[April 16, 2015, 10:00 a.m.]

Item No.	Docket No.	Company
		ADMINISTRATIVE
A–1	AD02–1–000	Agency Business Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD15–12–000	Transmission Investment Metrics.
		ELECTRIC
E–1	RM14–13–000	Communications Reliability Standards.
E–2	AD15–11–000	Electronic Filing Protocols for Commission Forms.
E–3	RM14–10–000	Real Power Balancing Control Performance Reliability Standard.
E–4	RM05–5–024	Standards for Business Practices and Communication Protocols for Public Utilities.
E–5	RM15–9–000	Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance Reliability Standard.
E–6	RM15–4–000	Disturbance Monitoring and Reporting Requirements Reliability Standard.
E–7	AD15–6–000	Grand River Dam Authority.
E–8	ER15–418–001	New England Power Company.
E–9	OMITTED.	
E–10	OMITTED.	
E–11	QM15–1–000	Virginia Electric and Power Company.
E–12	ER15–910–000	Consumers Energy Company.
E–13	ER15–976–000	Wolverine Power Supply Cooperative, Inc..
E–14	OMITTED.	
E–15	ER12–91–008 ER12–92–008	PJM Interconnection, L.L.C., Duke Energy Ohio, Inc. and Duke Energy Kentucky, Inc.
E–16	EL15–30–000	San Francisco Bay Area Rapid Transit District v. Pacific Gas and Electric Company.
E–17	ER13–102–005 ER13–102–006	New York Independent System Operator, Inc.
E–18	EC12–15–001	Michigan Electric Transmission Company, LLC.
E–19	EL11–42–001	Astoria Generating Company L.P. NRG Power Marketing LLC. Arthur Kill Power, LLC. Astoria Gas Turbine Power LLC. Dunkirk Power LLC. Huntley Power LLC. Oswego Harbor Power LLC and TC Ravenswood, LLC v. New York Independent System Operator, Inc.
	ER12–2414–000 ER12–2414–001 ER12–2414–002	New York Independent System Operator, Inc

1016TH—MEETING, REGULAR MEETING—Continued

[April 16, 2015, 10:00 a.m.]

Item No.	Docket No.	Company
E–20	EL11–50–001	Astoria Generating Company L.P. and TC Ravenswood, LLC v. New York Independent System Operator, Inc.
E–21	ER13–366–004 ER13–366–005 ER13–367–002	Southwest Power Pool, Inc.
MISCELLANEOUS		
M–1	RM14–2–000	Coordination of the Scheduling Processes of Interstate Natural Gas Pipelines and Public Utilities
GAS		
G–1	PL15–1–000	Cost Recovery Mechanisms for Modernization of Natural Gas Facilities
HYDRO		
H–1	P–2305–044	Sabine River Authority of Texas. Sabine River Authority, State of Louisiana.
CERTIFICATES		
C–1	CP14–503–000	Enable Gas Transmission, LLC.
C–2	CP14–87–001	Southeast Supply Header, LLC.
C–3	RP14–638–000 CP14–125–000 CP14–126–000 RP14–689–000 RP14–689–001 RP14–1049–000 RP14–1049–001 RP14–1049–002 (not consolidated)	Atmos Energy Corporation v. American Midstream (Midla), LLC. American Midstream (Midla), LLC.

Issued: April 9, 2015.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2015–08647 Filed 4–10–15; 4:15 pm]

BILLING CODE 6717–01P–

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1946–010; ER10–3310–008; ER10–3286–008; ER10–3299–007; ER13–1485–004; ER10–3253–004; ER14–1777–003; ER10–3237–004; ER10–3240–004; ER10–3230–004; ER10–3231–003; ER10–3232–002; ER10–3233–003; ER10–3239–004.

Applicants: Broad River Energy LLC, New Harquahala Generating Company, LLC, Millennium Power Partners, L.P., New Athens Generating Company, LLC, Wheelabrator Baltimore, L.P., Wheelabrator Bridgeport, L.P., Wheelabrator Falls Inc., Wheelabrator Frackville Energy Company Inc., Wheelabrator North Andover Inc., Wheelabrator Portsmouth Inc., Wheelabrator Ridge Energy Inc., Wheelabrator Shasta Energy Company Inc., Wheelabrator South Broward Inc., Wheelabrator Westchester, L.P.

Description: Notice of Change in Status of the ECP-Affiliated MBR Sellers.

Filed Date: 4/8/15.

Accession Number: 20150408–5162.

Comments Due: 5 p.m. ET 4/29/15.

Docket Numbers: ER15–1475–000.

Applicants: North Star Solar, LLC.

Description: Initial rate filing per 35.12 Application for Initial Market-Based Rate Tariff and Granting Certain Waivers to be effective 4/9/201.

Filed Date: 4/8/15.

Accession Number: 20150408–5142.

Comments Due: 5 p.m. ET 4/29/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date.

Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 8, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–08516 Filed 4–13–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9925–21]

Receipt of Test Data Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of test data submitted pursuant to a test rule issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8089; email address: *calvo.kathy@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information about the following chemical substances and/or mixtures is provided in Unit IV.:

A. *Methanone, diphenyl-* (*CAS No. 119–61–9*).

B. *Ethane, 1,1′-oxybis[2-chloro-* (*CAS No. 111–44–4*).

II. Federal Register Publication Requirement

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document that announces the receipt of data. Upon EPA's completion of its quality assurance review, the test data received will be added to the docket for the TSCA section 4 test rule that required the test data. Use the docket ID number provided in Unit IV. to access the test data in the docket for the related TSCA section 4 test rule.

The docket for this **Federal Register** document and the docket for each related TSCA section 4 test rule is available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Test Data Received

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.

A. Methanone, diphenyl- (CAS No. 119–61–9)

1. *Chemical Use(s):* In hair mousse as a fixative for heavy perfumes; in making antihistamines, hypnotics, insecticides, and ultraviolet absorbers; in flavoring; as a polymerization inhibitor for styrene; and in industry product finishes.

2. *Applicable Test Rule:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR (799.5087).

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

Aquatic Toxicity. The docket ID number assigned to this data is EPA–HQ–OPPT–2007–0531–0832.

B. Ethane, 1,1′-oxybis[2-chloro- (CAS No. 111–44–4)

1. *Chemical Use(s):* Scavenges lead deposits in gasoline; an anesthetic; an acaricide; in the manufacture of medicines and pharmaceuticals; in an oil solution sprayed on corn silks to control earworms; as a general solvent; a selective solvent for production of high-grade lubricating oils; an intermediate and crosslinking agent in organic synthesis; textile scouring and cleansing in fulling compounds; in wetting and penetrating compounds; in paints, varnishes, lacquers, finish removers, spotting and dry cleaning; in soil fumigants.

2. *Applicable Test Rule:* Chemical testing requirements for third group of high production volume chemicals (HIPV3), 40 CFR (799.5089).

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

Aquatic Toxicity (Algae). The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0531–0112.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 6, 2015.

Maria J. Doa,

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

[FR Doc. 2015–08588 Filed 4–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2014–0858; 9924–38–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Drug Testing for Contractor Employees (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Drug Testing for Contractor Employees (Renewal)'' (EPA ICR No. 2183.06, OMB Control No.

2030–0044) 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 April 30, 2015. Public comments were previously requested via the **Federal Register** (80 FR 6704) on February 6, 2015 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 May 14, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OARM–2014–0858, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Dianne Lyles, Policy Training and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–6111; fax number: 202–565–2553; email address: *lyles.dianne@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 EPA uses contractors to perform services throughout the nation in response to environmental emergencies involving the release, or threatened release, of oil, radioactive materials or hazardous chemicals that may potentially affect communities and the surrounding environment. Contractors responding to any of these types of incidents may be responsible for testing their employees for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), and any other controlled substances. The testing for drugs must be completed prior to contract employee performance in accordance with 5 CFR 731.104 (Appointments Subject to Investigation), 732.201 (Sensitivity Level Designations and Investigative Requirements), and 736.102 (Notice to Investigative Sources). The contractor shall maintain records associated with all drug tests.

Form Numbers: None.

Respondents/affected entities: Private Contractors.

Respondent's obligation to respond: Required to obtain or retain a benefit per 5 CFR 731.104, 732.201, and 736.102.

Estimated number of respondents: 450.

Frequency of response: Annual.

Total estimated burden: 1,013 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $108,783 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–08489 Filed 4–13–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–0725]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or 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 May 14, 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 Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@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 Nicole Ongele at (202) 418–2991.

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: 3060–0725.

Title: Quarterly Nondiscrimination Recordkeeping (on Quality of Service, Installation and Maintenance) by Bell Operating Companies (BOCs).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3 respondents; 12 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: Quarterly recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154, 201–205, 215, 218–220, 226 and 276.

Total Annual Burden: 120 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondent submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: This information collection concerns the nondiscrimination records regarding quality of service, installation and maintenance by Bell Operating Companies (BOCs) pursuant to Computer III and Open Network Architecture (ONA) requirements. Formerly, BOCs were required to submit nondiscrimination reports with regard to payphones to prevent BOCs from discriminating in favor of their own payphones. The reports allowed the Commission to determine how the BOCs provided competing payphone providers with equal access to all the basic underlying network services that are provided to its own payphones.

Since the prior request for authorization, in Report and Order FCC No. 13–69, the Commission eliminated ONA narrowband (*i.e.,* not broadband) quarterly nondiscrimination reporting requirements. However, the underlying recordkeeping obligations remain and the burden hours have decreased.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–08443 Filed 4–13–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–0298]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or 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 May 14, 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 Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@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 Nicole Ongele at (202) 418–2991.

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: 3060–0298.

Title: Part 61, Tariffs (Other than the Tariff Review Plan).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3,840 respondents; 10,190 responses.

Estimated Time per Response: 20 hours to 50 hours.

Frequency of Response: On occasion, annual, biennial and one time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 151–155, 201–205, 208, 251–271, 403, 502 and 503 of the Communications Act of 1934, as amended.

Total Annual Burden: 272,400 hours.

Total Annual Cost: $1,519,700.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe are confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On November 18, 2011, the Commission adopted the USF/

ICC Transformation Order, FCC 11–161, and on April 25, 2012, the Second Order on Reconsideration, FCC 12–47. Pursuant to these orders, incumbent local exchange carriers (LECs) and competitive local exchange carriers are required to submit certain information in the tariff filings implementing these orders.

The information collected through the carriers' tariffs is used by the Commission and state commissions to determine whether services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–08442 Filed 4–13–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0186)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before June 15, 2015.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, (202.898.3877), MB–3074 or John Popeo, Counsel, (202.898.6923), MB–3007, 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 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper or John W. Popeo, at the FDIC address above.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently-approved collections of information:*

Title: Supervisory Guidance on Stress Testing for Banking Organizations with More than $10 Billion in Total Consolidated Assets.

OMB Number: 3064–0186.

Estimated Responses: 75.

Affected Public: Business or Other Financial Institutions.

Estimated Annual Burden: 6,500 hours.

General Description of Collection: Building upon previously issued supervisory guidance that discusses the uses and merits of stress testing in specific areas of risk management, the guidance provides an overview of how a banking organization should structure its stress testing activities and ensure they fit into overall risk management. The purpose of this guidance is to outline broad principles for a satisfactory stress testing framework and describe the manner in which stress testing should be employed as an integral component of risk management that is applicable at various levels of aggregation within a banking organization, as well as for contributing to capital and liquidity planning. While the guidance is not intended to provide detailed instructions for conducting stress testing for any particular risk or business area, the proposed guidance aims to describe several types of stress testing activities and how they may be most appropriately used by banking organizations.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 8th day of April 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–08446 Filed 4–13–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewals; Comment Request (3064–0179, 3064–0185)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of the above-captioned information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collections described below.

DATES: Comments must be submitted on or before May 14, 2015.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, (202.898.3877), or John Popeo, Counsel, (202.898.6923), MB–3007, 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 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper or John Popeo, at the FDIC address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently-approved collections of information:

1. *Title:* Assessment Rate Adjustment Guidelines for Large and Highly Complex Institutions.

OMB Number: 3064–0179.

Affected Public: Large and highly complex depository institutions.

Estimated Number of Respondents: 11.

Estimated Time per Response: 80 hours.

Frequency of Response: Annual.

Estimated Total Annual Burden: 880 hours.

General Description of Collection: These guidelines established a process through which large and highly complex depository institutions could request a deposit insurance assessment rate adjustment from the FDIC.

2. *Title:* Resolution Plans Required for Insured Depository Institutions With $50 Billion or More in Total Assets.

OMB Number: 3064–0185.

Affected Public: Large and highly complex depository institutions.

A. *Estimated Number of Respondents for Contingent Resolution Plan: 37.*

Frequency of Response: Once.

Estimated Time per Response: 7,200 hours per respondent.

Estimated Total Burden: 266,400 hours.

B. *Estimated Number of Respondents for Annual Update of Resolution Plan:* 37.

Frequency of Response: Annual.

Estimated Time Per Response: 452 hours per respondent.

Estimated Total Burden: 16,724 hours.

C. *Estimated Number of Respondents for Notice of Material Change Affecting Resolution Plan:* 37.

Frequency of Response: Zero-to-two times annually.

Estimated Time per Response: 226 hours per respondent.

Estimated Total Burden: 16,724 hours.

General Description of Collection: This Rule requires an insured depository institution with $50 billion or more in total assets to submit periodically to the FDIC a contingent plan for the resolution of such institution in the event of its failure (''Resolution Plan''). The Rule requires a covered insured depository institution to submit a Resolution Plan that enables the FDIC, as receiver, to resolve the institution under sections 11 and 13 of the Federal Deposit Insurance Act, 12 U.S.C. 1821 and 1823, in a manner that ensures that depositors receive access to their insured deposits within one business day of the institution's failure (two business days if the failure occurs on a day other than Friday), maximizes the net present value return from the sale or disposition of its assets and minimizes the amount of any loss to be realized by the institution's creditors. The Rule seeks to address the continuing exposure of the banking industry to the risks of insolvency of large and complex insured depository institutions, an exposure that can be mitigated with proper resolution planning.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 8th day of April 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–08445 Filed 4–13–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its authority under the Paperwork Reduction Act (PRA), to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements, and approved collection of information instruments are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 15, 2015.

ADDRESSES: You may submit comments, identified by *FR 2064, FR 3051, or FR 4202,* by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *regs.comments@federalreserve.gov.* Include OMB 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 are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper 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.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be

requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Acting Clearance Officer—Mark Tokarski—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, 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 collection 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.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. Report title: Recordkeeping Requirements Associated with Changes in Foreign Investments (Made Pursuant to Regulation K).

Agency form number: FR 2064.

OMB control number: 7100–0109.

Frequency: On-occasion.

Reporters: State member banks, Edge Act and agreement corporations, and bank holding companies.

Estimated annual reporting hours: 160 hours.

Estimated average hours per response: 2 hours.

Number of respondents: 20.

General description of report: The recordkeeping requirements of this information collection are mandatory under section 5(c) of the BHC Act (12 U.S.C. 1844(c)); sections 7 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3105 and 3108(a)); section 25 of the Federal Reserve Act (FRA) (12 U.S.C. 601–604a); section 25A of the FRA (12 U.S.C. 611–631); and Regulation K (12 CFR 211.8(c)–211.10(a)). Since the Federal Reserve does not collect any records, no issue of confidentiality under the Freedom of Information Act (FOIA) arises. FOIA will only be implicated if the Federal Reserve's examiners retain a copy of the records in their examination or supervision of the institution, and would be exempt from disclosure pursuant to FOIA (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)).

Abstract: Internationally active U.S banking organizations are required to maintain adequate internal records that demonstrate compliance with the investment provisions contained in Subpart A of International Banking Operations (Regulation K). For each investment made under Subpart A of Regulation K, internal records should be maintained regarding the type of investment, for example, equity (voting shares, nonvoting shares, partnerships, interests conferring ownership rights, participating loans), binding commitments, capital contributions, and subordinated debt; the amount of the investment; the percentage ownership; activities conducted by the company and the legal authority for such activities; and whether the investment was made under general consent, prior notice, or specific consent authority. With respect to investments made under general consent authority, information also must be maintained that demonstrates compliance with the various limits set out in section 211.9 of Regulation K.

2. Report title: Microeconomic Survey.

Agency form number: FR 3051.

OMB control number: 7100–0321.

Frequency: Annually and monthly, as needed.

Reporters: Individuals, households, and financial and non-financial businesses.

Estimated annual reporting hours: Annual survey, 6,000 hours; Monthly survey, 18,000 hours.

Estimated average hours per response: Annual survey, 60 minutes; Monthly survey, 30 minutes.

Number of respondents: Annual survey, 6,000; Monthly survey, 3,000.

General description of report: This information collection is voluntary and is authorized by sections 2A and 12A of the Federal Reserve Act (12 U.S.C. 225A and 263). If needed, the Federal Reserve can make this survey mandatory for Federal Reserve regulated institutions under section 9 of the Federal Reserve Act (12 U.S.C. 324) for state member banks; section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) for bank holding companies and their subsidiaries; sections 25 and 25(A) of the Federal Reserve Act (12 U.S.C. 602 and 625) for Edge and agreement corporations; and section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)) for U.S. branches and agencies of foreign banks.

If the FR 3051 survey information is collected with a pledge of confidentiality for exclusively statistical purposes under Confidential Information Protection and Statistical Efficiency Act (CIPSEA), the information may not be disclosed by the Federal Reserve (or its contractor) in identifiable form, except with the informed consent of the respondent (CIPSEA 512(b), codified in notes to 44 U.S.C. 3501). Such information is therefore protected from disclosure under exemption 3 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(3)). If a CIPSEA pledge is made, either by the Federal Reserve or by its contractor, the Federal Reserve must safeguard the information as required by CIPSEA and OMB guidance.

If the FR 3051 survey information is not being collected under CIPSEA, the ability of the Federal Reserve to maintain the confidentiality of information provided by respondents will have to be determined on a case-by-case basis and depends on the type of information provided for a particular survey. In circumstances where identifying information is provided to the Federal Reserve, such information could possibly be protected from disclosure by FOIA exemptions 4 and 6.

Abstract: The Federal Reserve implemented this event-driven survey in 2009 and uses it to obtain information specifically tailored to the Federal Reserve's supervisory, regulatory, operational, and other responsibilities. The Federal Reserve can conduct the FR 3051 up to 13 times per year (annual survey and another survey on a monthly basis). The frequency and content of the questions depend on changing economic, regulatory, or legislative developments.

3. Report title: Recordkeeping and Disclosure Provisions associated with Stress Testing Guidance.

Agency form number: FR 4202.

OMB control number: 7100–0348.

Frequency: On-occasion.

Reporters: State member banks, bank holding companies, and all other institutions for which the Federal Reserve is the primary federal supervisor.

Estimated annual reporting hours: Recordkeeping, 18,000 hours; Disclosure, 8,000 hours.

Estimated average hours per response: Recordkeeping, 180 hours; Disclosure, 80 hours.

Number of respondents: Recordkeeping, 100; Disclosure, 100.

General description of report: This information collection is voluntary and is authorized pursuant to sections 11(a), 11(i), 25, and 25A of the Federal Reserve Act (12 U.S.C. 248(a), 248(i), 602, and 611), section 5 of the Bank Holding Company Act (12 U.S.C. 1844), and section 7(c) of the International Banking Act (12 U.S.C. 3105(c)). To the extent the Federal Reserve collects information during an examination of a banking organization, confidential treatment may be afforded to the records under exemptions 4 and 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4) and (8)).

Abstract: The interagency guidance outlines high-level principles for stress testing practices, applicable to all Federal Reserve-supervised, FDIC-supervised, and OCC-supervised banking organizations [1] with more than $10 billion in total consolidated assets. In developing a stress testing framework and in carrying out stress tests, banking organizations [2] should understand and clearly document all assumptions, uncertainties, and limitations, and provide that information to users of the stress testing results. To ensure proper governance over the stress testing framework, banking organizations should develop and maintain written policies and procedures.

[1] The agencies that were party to the rulemaking were the Office of the Comptroller of the Currency (OCC); Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

[2] For purposes of this guidance, the term ''banking organization'' means national banks and Federal branches and agencies supervised by the OCC; state member banks, bank holding companies, and all other institutions for which the Federal Reserve is the primary federal supervisor; and state nonmember insured banks and other institutions supervised by the FDIC.

Board of Governors of the Federal Reserve System, April 8, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–08406 Filed 4–13–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: Parts open to the public begin at 8:30 a.m. April 20, 2015.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED:

Parts Open to the Public

1. Approval of the Minutes of the March 23, 2015 Board Member Meeting.
2. ED Comments
3. Monthly Reports
   a. Monthly Participant Activity Report
   b. Legislative Report
4. Quarterly Metrics Report
   a. Investment Policy
   b. Vendor Financials
   c. Audit Status
   d. Budget Review
   e. Project Activity Report
5. Annual Financial Audit—CLA
6. Mainframe Audit
7. DOL Presentation

Part Closed to the Public

8. Security

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: April 10, 2015.

Megan Grumbine,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2015–08675 Filed 4–10–15; 4:15 pm]

BILLING CODE 6760–01–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

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 a meeting for the initial review of applications in response to Funding Opportunity Announcements (FOA) GH15–002, Conducting Public Health Research in Georgia; FOA GH15–003, Conducting Public Health Research Activities in Uzbekistan; FOA GH15–006, Institutional Research Collaboration between the Liverpool School of Tropical Medicine and the Centers for Disease Control and Prevention; FOA GH15–007, Emerging Infectious Disease Detection in the Veterinary Public Health Sector in India; and FOA GH15–008, Conducting Operational Research to Identify Numbers and Rates, Determine Needs, and Integrate Services to Mitigate Morbidity and Mortality Among Internally Displaced Persons Affected by Emergencies.

TIME AND DATE:

8:30 a.m.–1:30 p.m., EDT, May 6, 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 ''Conducting Public Health Research in Georgia, FOA GH15–002; Conducting Public Health Research Activities in Uzbekistan, FOA GH15–003; Institutional Research Collaboration between the Liverpool School of Tropical Medicine and the Centers for Disease Control and Prevention, FOA GH15–006; Emerging Infectious Disease Detection in the Veterinary Public Health Sector in India, FOA GH15–007; and Conducting Operational Research to Identify Numbers and Rates, Determine Needs, and Integrate Services to Mitigate Morbidity and Mortality Among Internally Displaced Persons Affected by Emergencies, FOA GH15–008.''

CONTACT PERSON FOR MORE INFORMATION: Hylan Shoob, Scientific Review Officer, Center for Global Health (CGH) Science Office, CGH, CDC, 1600 Clifton Road NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone: (404) 639–4796.

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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08521 Filed 4–13–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases, BSC, OID

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 committee:

Time and Date: 8:00 a.m.–5:00 p.m., EDT, May 6, 2015.

Place: CDC, Global Communications Center, 1600 Clifton Road NE., Building 19, Auditorium B3, Atlanta, Georgia 30333.

Status: The meeting is open to the public, limited only by the space available.

Purpose: The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director, CDC; the Director, OID; and the Directors of the National Center for Immunization and Respiratory Diseases, the National Center for Emerging and Zoonotic Infectious Diseases, and the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, in the following areas: Strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of OID and the national centers.

Matters for Discussion: The meeting will include a report from the Food Safety Modernization Act Surveillance Working Group of the BSC, OID; brief updates on priority issues for CDC's infectious disease programs; and updates and discussions on CDC's Surveillance Strategy and the Global Health Security Agenda.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Robin Moseley, M.A.T., Designated Federal Officer, OID, CDC, 1600 Clifton Road NE., Mailstop D10, Atlanta, Georgia 30333, Telephone: (404) 639–4461.

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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08518 Filed 4–13–15; 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.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on March 12, 2015 Volume 80, Number 48, page 13011. The times and dates should read as follows:

Times and Dates: 9:00 a.m.–6:00 p.m., April 7–8, 2015 (Closed).

FOR FURTHER INFORMATION CONTACT: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F46, 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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08519 Filed 4–13–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

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) announce the following meeting for the aforementioned committee:

Time and Date: 2:00 p.m.–3:00 p.m., EST, May 11, 2015.

Place: This meeting will be accessible by teleconference. Toll-free +1 (888) 790–1864, Participant Code: 5920580.

Status: Open to the public limited only by the availability of telephone ports.

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion, the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, the Secretary, Health and Human Services regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters for Discussion: The agenda will include a follow up discussion on the *Draft Guideline for the Prevention of Surgical Site Infections.* Call materials will be made available to the public no later than 2 business days before the call. If CDC is unable to post the background material on the HICPAC site prior to the meeting, the background material will be posted on HICPAC's Web site after the meeting. Background material is available at *http://www.cdc.gov/hicpac.*

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Erin Stone, M.S., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE., Mailstop A–31, Atlanta, Georgia 30333; Email: *HICPAC@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.

Claudette Grant, M.P.H.,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08520 Filed 4–13–15; 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

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 a meeting for the initial review of applications in response to Funding Opportunity Announcements (FOA) PS15–001, Positive Health Check Evaluation, and FOA PS15–002, Mobile Messaging Intervention to Present New HIV Prevention Options for MSM.

TIME AND DATE:

10:00 a.m.–5:00 p.m., May 7, 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 ''Positive Health Check Evaluation'', FOA PS15–001, and ''Mobile Messaging Intervention to Present New HIV Prevention Options for MSM'', FOA PS15–002.

CONTACT PERSON FOR MORE INFORMATION: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08522 Filed 4–13–15; 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

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 a meeting for the initial review of applications in response to Special Interest Projects (SIP) 15–001, Integrating Self-Management Education with Cancer Survivorship Care Planning, and SIP 15–003, Using Cancer Registry Data to Promote Proactive Tobacco Cessation among Adult Cancer Survivors.

TIMES AND DATES:

10:00 a.m.–6:00 p.m., May 12, 2015 (Closed).

10:00 a.m.–6:00 p.m., May 13, 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 ''Integrating Self-Management Education with Cancer Survivorship Care Planning, SIP 15–001, and Using Cancer Registry Data to Promote Proactive Tobacco Cessation among Adult Cancer Survivors, SIP 15–003.''

CONTACT PERSON FOR MORE INFORMATION: Brenda Colley Gilbert, Ph.D., M.S.P.H., Director, Extramural Research Program Operations and Services, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–6295, *BJC4@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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08523 Filed 4–13–15; 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, BSC, NIOSH

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 for the aforementioned committee:

TIME AND DATE:

8:30 a.m.–2:30 p.m., EDT, May 12, 2015.

PLACE: Patriots Plaza I, 395 E Street SW., Room 9000, Washington, DC 20201.

STATUS: Open to the public, limited only by the space available. The meeting room accommodates approximately 33 people. If you wish to attend in person or by webcast, please see the NIOSH Web site to register (*http://www.cdc.gov/niosh/bsc/*) or call (404) 498–2539 at least five business days in advance of the meeting.

Teleconference is available toll-free; please dial (888) 397–9578, Participant Pass Code 63257516.

PURPOSE: The Secretary, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors provides guidance to the Director, National Institute for Occupational Safety and Health on research and prevention programs. Specifically, the Board provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board evaluates the degree to which the activities of the National Institute for Occupational Safety and Health: (1)

Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

MATTERS TO BE DISCUSSED: NIOSH Director's update, intramural and extramural research integration at NIOSH, metrics to assess NIOSH research programs, NIOSH Center for Direct Reading and Sensor Technologies, occupational exposure limit issues, and cumulative risk assessment.

Agenda items are subject to change as priorities dictate. An agenda is also posted on the NIOSH Web site (*http://www.cdc.gov/niosh/bsc/*).

CONTACT PERSON FOR MORE INFORMATION: John Decker, Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Road NE., MS–E20, Atlanta, GA 30329–4018, telephone (404) 498–2500, 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 CDC and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–08517 Filed 4–13–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care Quarterly Case Record Report—ACF–801.

OMB No.: 0970–0167.

Description: Section 658K of the Child Care and Development Block Grant Act (42 U.S.C. 9858) requires that States and Territories submit monthly case-level data on the children and families receiving direct services under the Child Care and Development Fund (CCDF). The implementing regulations for the statutorily required reporting are at 45 CFR 98.70. Case-level reports, submitted quarterly or monthly (at grantee option), include monthly sample or full population case-level data. The data elements to be included in these reports are represented in the ACF–801. ACF uses disaggregate data to determine program and participant characteristics as well as costs and levels of child care services provided. This provides ACF with the information necessary to make reports to Congress, address national child care needs, offer technical assistance to grantees, meet performance measures, and conduct research. On November 19, 2014, the President signed the Child Care and Development Block Grant Act of 2014 (Pub. L. 113–86) which reauthorized the CCDF program and made some changes to ACF–801 reporting requirements. Owing to the need to consult with CCDF administrators and other interested parties on these changes, and a limited amount of time before the current ACF–801 form expires, ACF is not proposing changes to the ACF–801 at this time. We request to extend the ACF–801 without changes in order to ensure the form does not expire. In the near future, ACF plans to initiate a new clearance process under the Paperwork Reduction Act to implement the data reporting changes in the newly-reauthorized law.

Respondents: States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianna Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–801	56	4	25	5,600
Estimated Total Annual Burden Hours:				5,600

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–08492 Filed 4–13–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration for Native Americans; Notice of Meeting

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Department of Health and Human Services (HHS), Administration for Children and Families (ACF) will host a Tribal Consultation to consult on ACF programs and tribal priorities.

DATES: May 21, 2015.

ADDRESSES: 901 D Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lillian A. Sparks Robinson, Commissioner, Administration for Native Americans at 202–401–5590, by email at *Lillian.sparks@acf.hhs.gov*, or by mail at 370 L'Enfant Promenade SW., 2 West, Washington, DC 20447.

SUPPLEMENTARY INFORMATION: On November 5, 2009, President Obama signed the ''Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation.'' The President stated that his Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications, including, as an initial step, through complete and consistent implementation of Executive Order 13175.

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.

HHS has taken its responsibility to comply with Executive Order 13175 very seriously over the past decade, including the initial implementation of a Department-wide policy on tribal consultation and coordination in 1997, and through multiple evaluations and revisions of that policy, most recently in 2010. ACF has developed its own agency-specific consultation policy that complements the Department-wide efforts.

The ACF Tribal Consultation Session will begin the morning of May 21, 2015, and continue throughout the day until all discussions have been completed. To help all participants to prepare for this consultation, planning teleconference calls will be held on:

Wednesday, April 29, 2015, 3:00 p.m.–4:00 p.m. Eastern Time
Wednesday, May 6, 2015, 3:00 p.m.–4:00 p.m. Eastern Time
Wednesday, May 13, 2015, 3:00 p.m.–4:00 p.m. Eastern Time

The call-in number is: 866–769–9393. The passcode is: 4449449#.

The purpose of the planning calls will be to identify individuals who will provide testimony to ACF, solicit for tribal moderators, and identify specific topics of interest so we can ensure that all appropriate individuals are present.

Testimonies are to be submitted no later than May 15, 2015, to: Lillian Sparks Robinson, Commissioner, Administration for Native Americans, 370 L'Enfant Promenade SW., Washington, DC 20447, *anacommissioner@acf.hhs.gov*.

To register for the Consultation, please visit: *https://www.surveymonkey.com/s/2015ACFTribalConsultation.*

Dated: April 3, 2015.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2015–08598 Filed 4–13–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on Migrant Health; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: National Advisory Council on Migrant Health

Dates and Times: May 4, 2015, 9:30 a.m. to 4:30 p.m.; May 5, 2015, 8:00 a.m. to 5:00 p.m.

Place: Riverwalk Plaza Hotel and Suites, 100 Villita Street, San Antonio, Texas 78205, Telephone: 210–225–1234

Status: The meeting will be open to the public.

Purpose: The purpose of the meeting is to discuss services and issues related to the health of migratory and seasonal agricultural workers and their families and to formulate recommendations for the Secretary of Health and Human Services.

Agenda: The agenda includes an overview of the Council's general business activities. The Council will also hear presentations from experts on agricultural worker issues, including the status of agricultural worker health at the local and national levels.

Agenda items are subject to change as priorities indicate.

FOR FURTHER INFORMATION CONTACT: CDR Jacqueline Rodrigue, M.S.W., Office of Quality Improvement, Bureau of Primary Health Care, Health Resources and Services Administration, 5600 Fishers Lane, Room 15–74, Maryland 20857; telephone (301) 443–2339.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–08486 Filed 4–13–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Heritable Disorders in Newborns and Children; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, codified at 5 U.S.C. App.), notice is hereby given of the following meeting:

Name: Advisory Committee on Heritable Disorders in Newborns and Children.

Dates and Times: May 11, 2015, 8:30 a.m. to 5 p.m., May 12, 2015, 8:30 a.m. to 4 p.m.

Place: Webinar.

Status: The meeting will be open to the public. For more information on registration and webinar details, please visit the Advisory Committee's Web site: *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.* The registration deadline is Monday, April 27, 2015, 11:59 p.m. Eastern Time.

Purpose: The Advisory Committee on Heritable Disorders in Newborns and Children (Committee), as authorized by the Public Health Service Act (PHS), Title XI, § 1111 (42 U.S.C. 300b–10), was established to advise the Secretary of the Department of Health and Human Services about the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. In addition, the Committee's recommendations regarding additional conditions/inherited disorders for screening that have been adopted by the Secretary are included in the Recommended Uniform Screening Panel (RUSP) and constitute part of the comprehensive guidelines supported by the Health Resources and Services Administration (HRSA). Pursuant to section 2713 of the Public Health Service Act, codified at 42 U.S.C. 300gg–13, non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without charging a co-payment, co-insurance, or

deductible for plan years (*i.e.,* policy years) beginning on or after the date that is 1 year from the Secretary's adoption of the condition for screening.

Agenda: The meeting will include: (1) Overview of the Committee's authorizing legislation, (2) nomination process for prospective new committee members, (3) discussion of the newborn screening informed consent amendment in the Newborn Screening Saves Lives Reauthorization Act of 2014, (4) update from the Pilot Study Workgroup, (5) presentation on the Assistant Secretary for Planning and Evaluation funded project on the Affordable Care Act's coverage mandate for conditions on the RUSP and the overall costs of screening for state newborn screening programs, (6) presentation by the Newborn Screening Translational Research Network Long-term Follow-up Project, (7) update on the condition review of Adrenoleukodystrophy, and (8) discussion of projects for the Committee's workgroups and subcommittees on Laboratory Standards and Procedures, Follow-up and Treatment, and Education and Training. Tentatively, the Committee is expected to receive comments from states and discuss potential implications of the new legislation, and perhaps to vote on providing such information and/or associated recommendations to the Secretary for consideration regarding the newborn screening informed consent amendment in the Newborn Screening Saves Lives Reauthorization Act of 2014. This tentative vote does not involve any proposed addition of a condition to the RUSP.

Agenda items are subject to change as necessary or appropriate. The agenda, webinar information, Committee Roster, Charter, presentations, and other meeting materials will be located on the Advisory Committee's Web site at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Public Comments: Members of the public may present oral comments and/or submit written comments. Comments are part of the official Committee record. The public comment period is tentatively scheduled for May 11, 2015. Advance registration is required to present oral comments and/or submit written comments. Registration information will be on the Committee Web site at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.* The registration deadline is Monday, April 27, 2015, 11:59 p.m. Eastern Time. Written comments must be received by the deadline in order to be included in the May meeting briefing book. Written comments should identify the individual's name, address, email, telephone number, professional or business affiliation, type of expertise (*i.e.,* parent, researcher, clinician, public health, etc.), and the topic/subject matter of comments. To ensure that all individuals who have registered to make oral comments can be accommodated, the allocated time may be limited. Individuals who are associated with groups or have similar interests may be requested to combine their comments and present them through a single representative. No audiovisual presentations are permitted. For additional information or questions on public comments, please contact Lisa Vasquez, Maternal and Child Health Bureau, HRSA; email: *lvasquez@hrsa.gov.*

Contact Person: Anyone interested in obtaining other relevant information should contact Debi Sarkar, Maternal and Child Health Bureau, HRSA, Room 18W68, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; email: *dsarkar@hrsa.gov.*

More information on the Advisory Committee is available at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–08484 Filed 4–13–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than June 15, 2015.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10C–03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Maternal, Infant, and Early Childhood Home Visiting (Home Visiting) Program, Competitive Funding Opportunity Announcement OMB No. 0915–0351—Extension

Abstract: The Home Visiting Program, administered by HRSA in close partnership with the Administration for Children and Families (ACF), supports voluntary, evidence-based home visiting services during pregnancy and to parents with young children up to kindergarten entry. All fifty (50) states, the District of Columbia, five U.S. territories, and eligible nonprofit organizations are eligible for Home Visiting Competitive Funding.

Need and Proposed Use of the Information: The purpose of this announcement is to solicit applications for the fiscal year 2016 (FY16) Home Visiting Competitive Grant program. The Competitive Grants provide funds to eligible entities that are states and certain territories that continue to make significant progress toward implementing a high-quality home visiting program as part of a comprehensive, high-quality early childhood system and are ready and able to take effective programs to scale to address unmet need. Grantees will use the funds to provide ongoing support to high-quality evidence-based home visiting programs and for the incremental expansion of evidence-based home visiting programs funded to achieve greater enrollment and retention of families eligible for home visiting. Additionally, this funding opportunity will continue the program's emphasis on rigorous research by grounding the proposed work in relevant empirical literature and by including requirements to evaluate work proposed under this grant.

Likely Respondents: Applicants to the FY16 Home Visiting Competitive Funding Opportunity Announcement.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Summary progress on the following activities	Number of respondents	Number of responses per respondent	Total responses	Hours per response	Total burden hours
Introduction	47	1	47	10	470
Needs Assessment	47	1	47	14	658
Methodology	47	1	47	15	705
Work plan	47	1	47	15	705
Resolution of Challenges	47	1	47	14	658
Evaluation and Technical Support Capacity	47	1	47	48	2256
Organizational Information	47	1	47	10	470
Additional Attachments	47	1	47	13	611
Total	376	8	376	139	6533

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–08485 Filed 4–13–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Injury Prevention Program; Announcement; New and Competing Continuation Cooperative Agreement

Funding Announcement Number: HHS–2015–IHS–IPP–0001

Catalog of Federal Domestic Assistance Number: 93.284

Key Dates

Application Deadline Date: June 15, 2015

Review Date: July 6–10, 2015

Earliest Anticipated Start Date: September 1, 2015

Signed Tribal Resolutions Due Date: July 6, 2015

Proof of Non-Profit Status Due Date: June 15, 2015

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting competitive cooperative agreement (CA) applications for the Injury Prevention Program (IPP) for American Indians and Alaska Natives (AI/AN). The program is authorized under 25 U.S.C. 13, Snyder Act, and 42 U.S.C., Section 301(a), Public Health Service Act, as amended. This program is described in the Catalog of Federal Domestic Assistance under 93.284.

Background

Injuries are the single leading cause of death for AI/AN between the ages of 1 and 44 years. (Trends in Indian Health 2002–2003 Edition, IHS, Division of Program Statistics). Depending on the type of injury, AI/AN experience injury mortality rates that are 2.5 to 8.7 times higher than the U.S. all races rates. This funding opportunity was developed by the IHS Injury Prevention Program to address the disparity in injury rates by encouraging tribes to implement injury prevention programs and projects based on evidence-based, effective strategies.

Injury prevention evidence-based, effective strategies are prevention methods that have been scientifically proven to prevent injuries. Injury prevention programs and projects are most effective when based on these model practices. Though not repeatedly scientifically proven to be effective, the use of promising and innovative injury prevention strategies is also recommended. For more information on evidence-based injury prevention resources see: *http://www.healthy.ohio.gov/vipp/evidence/ebresource.aspx*.

Comprehensive injury prevention programs use a public health approach to employ strategies that address education, policy development with enforcement, and environmental modifications. Programs use various combinations of effective strategies to ensure they are effective and sustainable. A single focus with only education is not an effective strategy.

The IHS IPP priorities are prevention of (1) motor vehicle crash related injuries; and (2) unintentional fall injuries. For AI/AN, motor vehicle-related injuries and deaths are the leading cause of disability, years of potential life lost, and medical and societal costs. Unintentional elder fall-related injuries are a leading cause of hospitalizations in AI/AN communities. Among older adults, falls are the leading cause of both fatal and nonfatal injuries (*http://www.cdc.gov/HomeandRecreationalSafety/Falls/adultfalls.html*).

Purpose

The purpose of this IHS funding opportunity is to promote the capability of Tribes, Indian organizations and urban Indian organizations to build and maintain sustainable, effective injury prevention programs. Tribal ownership and management of injury prevention programs and projects:

(a) increase the understanding of the injury problem by Tribes/Indian organizations/urban Indian organizations;

(b) promote the implementation of effective strategies to prevent injuries in Tribal communities; and

(c) improve injury prevention partnerships.

The IHS will accept IPP applications in either of the two categories:

(A) Part I—Injury Prevention Programs applicants: These are new applicants who have not previously received IHS Tribal Injury Prevention CA Part I funding. Applicants must meet the IHS minimum user population of 2,500. The population limit is set by the IHS IPP. IHS user population is defined as AI/AN people who have utilized services funded by the IHS at least once during the last three-year period.

(B) Part II—IPP Effective Strategy Projects applicants. This grant opportunity is available to any applicant regardless of whether or not they have previously received IHS Injury Prevention CA Part I or II funding. There is no IHS user population requirement.

Applicants will only be issued one award: Either for Part 1—Injury Prevention Programs or Part II—IPP Effective Strategy Projects. Applications should be sure to respond to the appropriate ''Criteria'' under Section V—Application Review Information.

II. Award Information

Type of Award

Cooperative Agreement

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2015 is approximately $1,800,000. Individual award amounts are anticipated to be between $20,000 and $100,000. The amount of funding available for awards issued under this announcement is 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 thirty awards will be issued under this program announcement. Injury Prevention applicants may apply for more than one of the areas of funding but only one will be awarded. Part I—Five-Year Injury Prevention Programs: up to $100,000 will be awarded to each successful applicant the first year and up to $80,000 will be awarded each of the remaining four years (up to 15 awards). Part II—Five Effective Strategy Projects: up to $20,000, for each of the five years, will be awarded to successful applicants (up to 15 awards).

Project Period

The project period will be for five years and will run consecutively from September 1, 2015 to August 31, 2020 for both the Part I and Part II.

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 Cooperative Agreement

A. IHS Programmatic Involvement

The IHS IPP substantial involvement includes providing technical assistance to the Tribal Injury Prevention Coordinators in program planning, implementation, and evaluation. Technical assistance includes the following which will be supported by an outside contractor:

1. Schedule bi-annual conference calls for technical assistance
2. Assist grantee in writing progress reports
3. Produce the quarterly Tribal Injury Prevention Cooperative Agreement (TIPCAP) newsletter for information sharing and collaboration
4. Conduct annual site visits for technical assistance
5. Disseminate injury prevention best practices guidance
6. Provide training to grantees
7. Coordinate an annual grantee workshop to build skills, share new information and innovative strategies, and to assist grantees in program implementation specific to AI/AN communities

Part I—Injury Prevention Program Involvement

IHS will assign an IHS Injury Prevention Specialist (Area, District) or designee to serve as the Project Officer (technical advisor/monitor) for the Tribal Injury Prevention Program. Responsibilities of the IHS Project Officers are described below:

(1) Assist the grantee in determining the Tribal Injury Prevention Coordinator position qualifications and job descriptions and assist in the selection of the Coordinator.

(2) Assist the Tribal Injury Prevention Coordinator with decisions regarding implementation of program activities, including creation of injury data systems (collection, quality, analysis, and reporting), use of public information materials, and quality assurance (adherence to evidence-based practice methods).

(3) Monitor the overall progress of the grantees' program sites and their adherence to the terms and conditions of the CA.

(4) Review continuation applications and recommend approval or disapproval.

(5) Provide guidance for meeting deadlines of required progress and financial reports.

(6) Support contractor oversight by participating in site visits and conference calls when possible.

(7) Provide guidance in preparing articles for publication and/or presentations of program successes, lessons learned, and new findings.

(8) Recommend training and continuing education courses to develop the Tribal Injury Prevention Coordinator's competencies.

Part II—Effective Strategy Projects

IHS will assign an IHS IPP Specialist or designee to serve as the local Project Officer. Responsibilities of the IHS local Project Officers are described below:

(1) Provide guidance to the grantee involving strategy, injury data (collection, analysis, reporting, and interpretation of findings), use of public information materials, quality assurance, coordination of activities, training, reports, budget and evaluation.

(2) Review continuation applications and recommend approval or disapproval.

Technical assistance will also include the following which will be supported by an outside contractor:

(1) Schedule bi-annual conference calls for technical assistance.

(2) Assist grantee in writing progress reports.

(3) Disseminate injury prevention best practices guidance.

(4) Provide training to grantees.

B. Grantee Cooperative Agreement Award Activities

Responsibilities of the grantee are described below:

Part I—Injury Prevention Program

The grantee will:

(1) Hire a full time Tribal Injury Prevention Coordinator.

a. Must be full-time (40 hours/week) and solely dedicated to the

management, control or performance of the IPP.

b. Cannot be part-time or split duties or other duties as assigned.

c. May be located within an urban Indian health organization, Tribal health program (or Tribal Highway Safety) or community-based Tribal program.

(2) Develop and maintain an ongoing injury data system. Data will be used for priority setting, program planning and evaluation of interventions.

(3) Develop a five-year plan based on sound morbidity/mortality injury data and implement effective strategies. The five-year plan will:

a. Contain a logic model approach to address the formative, process, impact and outcome evaluation with timeline; action steps and benchmarks.

b. Describe how the tribe will maintain the IPP after the five-year funding cycle.

(4) Incorporate injury prevention evidence-based effective strategies that align with the IHS Injury Prevention priorities (motor vehicle and unintentional fall injury prevention) and/or local Tribal injury priorities based on sound injury mortality and morbidity data.

(5) Tailor the IPP program and other organizations' educational materials with culturally relevant information to promote and empower communities to take action in injury prevention.

(6) Lead, develop, or participate in a multidisciplinary injury prevention coalition to share resources and expertise in injury prevention, and provide oversight in the planning, implementation and evaluation of projects.

(7) Attend the mandatory annual grantee workshop.

(8) Participate in IHS/contractor site visits, conference calls and webinars.

(9) Successfully complete the IHS Injury Prevention core training courses—IP Introduction, Intermediate, and IP Fellowship.

(10) Successfully complete certification trainings necessary for the IP positions such as Child Passenger Safety Technician, Tai Chi Instructor, etc.

Part II—Effective Strategy Projects

The grantee will:

(1) Work in partnership with the IHS in decisions involving strategy, injury data (collection, analysis, reporting), use of public information materials, quality assurance, coordination of activities, training, reports, budget and evaluation.

(2) Provide a logic model plan for the Part II effective strategies project. The logic model will address the stages of the project development implementation and evaluation with proposed timeline.

(3) Develop culturally-competent, project-related information to educate and empower communities to take action in injury prevention.

(4) Develop a project evaluation plan with baseline data, timeline and outcome measures.

(5) Participate in IHS/contractor conference calls and webinars.

III. Eligibility Information

1. Eligibility

To be eligible for this ''New and Competing Continuation Announcement,'' an applicant must:

Be one of the following as defined by 25 U.S.C. 1603:

i. An Indian Tribe as defined by 25 U.S.C. 1603(14);

ii. A Tribal organization as defined by 25 U.S.C. 1603(26);

iii. An Urban Indian organization as defined by 25 U.S.C. 1603(29).

Applicants must provide proof of non-profit status with the application, *e.g.* 501(c)(3).

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.

Tribal Resolution

Signed Tribal Resolution—A signed Tribal resolution *from each of* the Indian Tribes served by the project *must accompany the electronic application submission.* An Indian Tribe that is proposing a project affecting another Indian Tribe must include *resolutions from all affected Tribes to be served.* 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.*

Your official signed resolution can be mailed to the DGM, Attn: Pallop Chareonvootitam, 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 Pallop Chareonvootitam by telephone at 301–443–2195 prior to the review date regarding submission questions.

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (*i.e.* FedEx tracking, postal return receipt, etc.).

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 15 pages).
  - Background information on the Tribe or 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 or Tribal Letter of Support (Tribe, Indian organization or urban Indian organization).
- Letter of Support from Organization's Board of Directors.
- 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).
- Documentation of current Office of Management and Budget (OMB) A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database*.

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 fifteen 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 8–1/2'' 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 ORC in becoming more familiar with the applicant's activities and accomplishments prior to this cooperative agreement award. If the narrative exceeds the page limit, only the first fifteen pages will be reviewed. The ten page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative:

Part A: Program Information (Page Limitation—2)

Section 1: Needs

User population for Part I applicants only

No population requirements for Part II applicants

Describe nature and extent of the injury problem of the Tribe, Indian organization or urban Indian organization. Describe the public health approach to address the injury problem.

Part B: Program Planning and Evaluation (Page Limitation—8)

Section 1: Program Plans

Succinctly describe how the Tribe, Indian organization or urban Indian organization plans to address the injury problems utilizing effective strategies, best, or promising practices.

Section 2: Program Evaluation

Describe fully and clearly how the proposed interventions will impact in minimizing or reducing severe injuries in Tribal communities. Identify anticipated or expected benefits for the Tribal constituency.

Part C: Program Report (Page Limitation—5)

Section 1: Describe major accomplishments over the last 24 months.

Identify and describe significant program achievements associated with injury prevention initiatives. Provide the accomplishments of the goals established for the time frame, or if applicable, provide justification for the lack of progress.

Section 2: Describe major activities over the last 24 months.

Provide an overview of significant injury prevention program activities associated with in reduction of severe injuries over the past 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 budget narrative should not exceed five pages.

3.

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 (*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.
- 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 IHS Injury Prevention Program will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

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 DUNS 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 and have not registered with SAM will need to obtain a DUNS 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 DUNS 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 fifteen page narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. See ''Multi-year Project Requirements'' at the end of this section for more information. The narrative section 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

Part I Injury Prevention Programs

A. Introduction and Need for Assistance (30 Points)

Describe the need for funding and the injury problem using local IHS, state or national injury data in the community or target area. Describe the population to be served by the proposed program. Provide documentation that the target population is at least 2,500 people. (IHS User population is the ONLY acceptable source).

B. Project Objective(s), Work Plan and Approach (30 Points)

Goals and objectives must be clear and concise. Each program objective must be measurable, feasible and attainable to accomplish during the 5 year project period (SMART—Specific, Measurable, Attainable, Realistic, Time specific). EXAMPLE: The Injury Prevention Tribal Team will increase adult safety belt use at Bob Cat Canyon community to 80% by April 2020.

The methods and staffing will be evaluated on the extent to which the applicant provides: A description of proposed year one work plan that describes how the injury prevention effective strategy will be implemented using the public health approach (multi-year work plan should be included in appendix with actions steps, timeline, responsible person, etc.).

C. Program Evaluation (20 Points)

Describe how and when the program will be evaluated to show process, effectiveness, and impact. This includes, but is not limited to, what data will be collected to evaluate the success of the proposed program objectives.

D. Organizational Capabilities, Key Personnel and Qualifications (10 Points)

A description of the roles of the Tribal involvement, organization, or agency and evidence of coordination, supervision, and degree of commitment (*e.g.,* time in-kind, financial) of staff, organizations, and agencies involved in activities. Provide biographical sketches (resumes) for all key personnel. Include information for consultants or contractors to be hired during the proposed project and include information in their scope of work. Provide organizational structure (chart). Describe coalition or collaboration activities of the Tribe or urban Tribal program.

E. Categorical Budget and Budget Justification (10 Points)

Provide a detailed and justification of budget for the first 12-month budget periods. A budget summary should be included for each subsequent year (Year 2–Year 5).

If indirect costs are claimed, indicate and apply the current negotiated rate to the budget.

Include travel expenses for annual grantee workshop (mandatory participation) at a city location to be determined by IHS. Include airfare, per diem, mileage, etc. Note: The first and last annual grantee workshops are held in the Washington, DC area.

Part II—Effective Strategy Projects

A. Introduction and Need for Assistance (30 Points)

Describe the need for funding and the injury problem using local IHS, state, or national injury data in the community or target area.

Describe the Tribe's/Tribal organization's support for the proposed IP project.

Describe the population to be served by the proposed project (no minimum population requirement).

B. Project Objective(s), Work Plan and Approach (30 Points)

Goals and objectives must be clear and concise. Each objective must be measurable, feasible and attainable to accomplish during the 5 year project period (SMART—Specific, Measurable, Attainable, Realistic, Time specific). EXAMPLE: Child car seat use will be increased to 75% at Bobcat community by August 2020.

Effective strategies must be incorporated in each project and should be based on effectiveness, economic efficiency and feasibility of the project. Provide a description of the extent to which proposed projects are an effective strategy based on a documented need in the target communities.

Coalition/Collaboration: Describe how the Tribe or urban community, the IHS and other organizations will collaborate on the project or conduct related activities. Provide a description of the roles of Tribal involvement, organization, or agency and evidence of coordination, supervision, and degree of commitment (*e.g.,* time, in-kind, financial) of staff, organizations, and agencies involved in activities.

C. Program Evaluation (20 Points)

Describe how and when the project will be evaluated for program process, effectiveness, and impact. This includes, but is not limited to, what data will be collected to evaluate the success of the proposed program objectives.

D. Organizational Capabilities, Key Personnel and Qualifications (10 Points)

A description of the roles of the key personnel in activities during the 5 year project(s) (*e.g.,* time in-kind, financial). Provide the organizational structure (chart). Describe coalition or collaboration activities of the Tribe or urban Tribal program.

E. Categorical Budget and Budget Justification (10 Points)

Projects must include a project narrative, 5 year categorical budget, and budget justification for each year of funding requested. If indirect costs are claimed, indicate and apply the current negotiated rate to the budget.

Multi-Year Project Requirements (If Applicable)

Projects requiring a second, third, fourth, and/or fifth year must include a brief project narrative and budget (one additional page per year) addressing the developmental plans for each additional year of the project.

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 IHS Program 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, 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 submitted application. The IHS program office 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, the approved but unfunded application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office 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:

- Uniform Administrative Requirements HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

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:

Ms. Nancy Bill, Program Manager, Injury Prevention Program, IHS, 801 Thompson Ave, TMP Suite 610, Rockville, MD 20852, Phone: (301) 443–0105, Fax: (301) 443–7538, E-Mail: *Nancy.Bill@ihs.gov*

2. Questions on grants management and fiscal matters may be directed to:

Pallop Chareonvootitam, Senior Grant Management Specialist, 801 Thompson Avenue, TMP Suite 360–78, Rockville, MD 20852, Phone: (301) 443–2195; or the DGM main line (301) 443–5204, Fax: (301) 443–9602, E-Mail: *Pallop.Chareonvootitam@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, Public Law 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: April 3, 2015,

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–08605 Filed 4–13–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Center for Scientific Review Advisory Council.

Date: May 18, 2015.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support, review, evaluation, and receipt and referral of grant applications at CSR.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 3091, Bethesda, MD 20892.

Contact Person: Rene Etcheberrigaray, MD. Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3030, MSC 7776, Bethesda, MD 20892, (301) 435–1111, *etcheber@csr.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.

In the interest of security, NIH has instituted stringent procedures for entrance into NIH buildings. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://public.csr.nih.gov/aboutcsr/CSROrganization/Pages/CSRAC.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(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: April 8, 2015.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–08459 Filed 4–13–15; 8:45 am]

BILLING CODE 4140–01P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Interagency Coordinating Committee on the Validation of Alternative Methods; Notice of Public Meeting; Request for Public Input

SUMMARY: The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) will hold a public forum to share information and facilitate direct communication of ideas and suggestions from stakeholders. Interested persons may attend in person or remotely. Time will be set aside for public statements and questions on the topics discussed.

Registration is requested for both public attendance and oral statements, and required for remote access. Information about the meeting and registration is available at *http://ntp.niehs.nih.gov/go/iccvamforum-2015.*

DATES: *Meeting:* May 27, 2015, 9:00 a.m. to approximately 12:00 p.m. Eastern Daylight Time (EDT).

Registration for Onsite Meeting: Deadline is May 15, 2015.

Registration for Webcast: Deadline is May 27, 2015

Submission of Oral Public Statements: Deadline is May 15, 2015.

ADDRESSES:

Meeting Location: William H. Natcher Conference Center, National Institutes of Health, Bethesda, MD 20892.

Meeting Web page: The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/iccvamforum-2015.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren S. Casey, Director, National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); email: *warren.casey@nih.gov;* telephone: (919) 316–4729.

SUPPLEMENTARY INFORMATION:

Background: ICCVAM promotes the development and validation of chemical safety testing methods that protect human health and the environment while replacing, reducing, or refining animal use.

ICCVAM's goals include promotion of national and international partnerships between governmental and nongovernmental groups, including academia, industry, advocacy groups, and other key stakeholders. To foster these partnerships ICCVAM initiated annual public forums in 2014 to share information and facilitate direct communication of ideas and suggestions from stakeholders (79 FR 25136).

The second of these forums will be held on May 27, 2015, at the National Institutes of Health (NIH) in Bethesda, MD. The meeting will begin with presentations by NICEATM and ICCVAM members on current activities related to the development and validation of alternative test methods and approaches for assessing acute systemic toxicity, endocrine activity, vaccine safety, and skin sensitization potential, as well as updates on ICCVAM processes. Following each presentation, there will be an opportunity for participants to ask questions of the ICCVAM members. Instructions for submitting questions will be provided to remote participants prior to the webcast. The agenda also includes time for participants to make public oral statements to inform ICCVAM on topics relevant to its mission and current activities.

Preliminary Agenda and Other Meeting Information: The preliminary agenda, ICCVAM roster and other background materials, and public statements submitted prior to the meeting will be posted at *http://ntp.niehs.nih.gov/go/iccvamforum-2015* to allow remote participation. Public statements will be distributed to NICEATM and ICCVAM members. Interested individuals are encouraged to visit this Web page to stay abreast of the most current meeting information.

Meeting and Registration: This meeting is open to the public with time scheduled for oral public statements and for questions following ICCVAM's and NICEATM's presentations. The public may attend the meeting at NIH, where attendance is limited only by the space available, or view remotely by webcast. Those planning to attend the meeting in person are encouraged to register at *http://ntp.niehs.nih.gov/go/iccvamforum-2015* by May 15, 2015, to facilitate planning for appropriate meeting space. Those planning to view the webcast must register at *http://ntp.niehs.nih.gov/go/iccvamforum-2015* by May 27, 2015. The URL for the webcast will be provided in the email confirming registration.

Visitor and security information for visitors to NIH is available at *http://www.nih.gov/about/visitor/index.htm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at phone: (919) 316–4668 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Request for Oral Public Statements: Time will be allotted during the meeting for oral public statements with associated slides relevant to ICCVAM's mission and current activities. The number and length of presentations may be limited based on available time. Submitters will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting public statements and/or associated slides should include their name, affiliation (if any), mailing address, telephone, email, and sponsoring organization (if any) with the document.

Persons wishing to present oral statements are encouraged to indicate the topic(s) on which they plan to speak on the registration form. They should also provide a copy of their statement to Dr. Elizabeth Maull at email: *maull@niehs.nih.gov* by May 15, 2015, to allow time for review by NICEATM and ICCVAM and posting to the meeting page prior to the forum. Written statements may supplement and expand the oral presentation.

Registration for oral public statements will be available onsite, although onsite registration and time allotted for these statements may be limited based on the number of individuals who register to make statements and available time. If registering onsite and reading from written text, please bring 20 copies of the statement for distribution and to supplement the record.

In addition to in-person oral statements at the meeting, public statements may be presented by teleconference line. Directions for accessing the meeting by teleconference line will be provided to registered participants prior to the meeting date.

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

Background Information on ICCVAM and NICEATM: ICCVAM is an interagency committee composed of representatives from 15 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability and promotes the scientific validation and regulatory acceptance of testing methods that both more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine (enhance animal well-being and minimize or prevent pain and distress) animal use. The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) establishes ICCVAM as a permanent interagency committee of the NIEHS and provides the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. ICCVAM acts to ensure that new and revised test methods are validated to meet the needs of Federal agencies, increase the efficiency and effectiveness of federal

agency test method review, and optimize utilization of scientific expertise outside the federal Government. Additional information about ICCVAM can be found at *http://ntp.niehs.nih.gov/go/iccvam.*

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies. NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative testing approaches for validation studies and technical evaluations. Additional information about NICEATM can be found at *http://ntp.niehs.nih.gov/go/niceatm.*

Dated: April 6, 2015.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2015–08528 Filed 4–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2002–11602]

Intent To Request Renewal From OMB of One Current Public Collection of Information: Security Programs for Foreign Air Carriers

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0005, abstracted below that we will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. This information collection is mandatory for foreign air carriers and must be submitted prior to entry into the United States.

DATES: Send your comments by June 15, 2015.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (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 valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0005; Security Programs for Foreign Air Carriers, 49 CFR part 1546. TSA uses the information collected to determine compliance with 49 CFR part 1546 and to ensure passenger safety by monitoring foreign air carrier security procedures. Foreign air carriers must carry out security measures to provide for the safety of persons and property traveling on flights provided by the foreign air carrier against acts of criminal violence and air piracy, and the introduction of explosives, incendiaries, or weapons aboard an aircraft. This information collection is mandatory for foreign air carriers and must be submitted prior to entry into the United States. The information TSA collects includes identifying information on foreign air carriers' flight crews and passengers. Specifically, TSA requires foreign air carriers to submit the following information: (1) A master crew list of all flight and cabin crew members flying to and from the United States; (2) the flight crew list on a flight-by-flight basis; and (3) passenger information on a flight-by-flight basis. Foreign air carriers are required to provide this information via electronic means. On June 19, 2014, TSA removed the previous security program requirement that foreign air carriers submit information regarding the amount of cargo screened because all foreign air carriers are required to screen 100% of cargo.

Additionally, foreign air carriers must maintain these records, as well as training records for crew members and individuals performing security-related functions, and make them available to TSA for inspection upon request. TSA will continue to collect information to determine foreign air carrier compliance with other requirements of 49 CFR part 1546. TSA estimates that there will be approximately 170 respondents to the information collection, with an annual burden estimate of 1,029,010 hours.

Dated: April 6, 2015.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–08562 Filed 4–13–15; 8:45 am]

BILLING CODE 9110–05P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: TSA Office of Training and Workforce Engagement Canine Training and Evaluation Branch End of Course Level 1 Evaluation (Formerly Named: National Explosives Detection Canine Team Program Handler Training Assessment Survey)

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0041 abstracted below, to OMB for review and approval of an extension of the currently-approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period, describing the collection of information on December 29, 2014, 79 FR 78099. The collection involves the submission of numerical ratings and written comments about the quality of

training instruction from students who successfully complete the Office of Training and Workforce Engagement (OTWE) Canine Training and Evaluation Branch (CTEB) Explosives Detection Canine Handlers Course, Passenger Screening Canine Handler Course, and the Supervisor/Trainer Seminars.

DATES: Send comments by May 14, 2015. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (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 valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Background

On September 27, 2013, the Office of Management and Budget (OMB) approved the Information Collection Request (ICR), OMB Control Number 1652–0041—National Explosives Detection Canine Team Program (NEDCTP) Handler Training Assessment Survey. The collection approval period expires on September 30, 2015.

TSA is requesting an extension of the collection due to the upcoming expiration date. However, since its approval, the collection's name has undergone multiple name changes. As noted in the previously filed 60-day Notice, the name of the collection was initially changed from National Explosives Detection Canine Team Program (NEDCTP) Handler Training Assessment Survey to TSA OLE/FAMS Canine Training and Evaluation Section (CTES) End of Course Level 1 Critique. *See* 79 FR 78099 (December 29, 2014). Subsequently, on January 15, 2015, the OLE/FAMS CTES was consolidated into Office of Training and Workforce Engagement (OTWE), Law Enforcement and Industry Training Division, becoming the Canine Training and Evaluation Branch (CTEB). As a result, the new name of the collection is now TSA Office of Training and Workforce Engagement (OTWE) Canine Training and Evaluation Branch (CTEB) End of Course Level 1 Evaluation.

Information Collection Requirement

Title: End of Course Level 1 Evaluation.

Type of Request: Extension of a currently-approved collection.

OMB Control Number: 1652–0041.

Forms(s): TSA Form 1904A.

Affected Public: State and local law enforcement officers as well as TSA personnel who successfully complete the TSA OTWE CTEB Explosives Detection Canine Handlers Course, Passenger Screening Canine Handler Course, and the Supervisor/Trainer Seminars.

Abstract: The OTWE CTEB Explosives Detection Canine Handlers Course, Passenger Screening Canine Handler Course, and the Supervisor/Trainer Seminars are given to state and local law enforcement officers as well as TSA personnel who are trained to be canine handlers. The state and local personnel participate under agency specific cooperative agreements in that portion of the TSA Grant program administered by the National Explosives Detection Canine Team Program (NEDCTP). The ''End of Course Level 1 Evaluation'' captures numerical ratings and written comments about the quality of training instruction provided from students who successfully complete the OTWE CTEB Explosives Detection Canine Handlers Course, Passenger Screening Canine Handler Course, and the Supervisor/Trainer Seminars. The data are collected in hardcopy form and are tabulated by Training Support Unit staff in OTWE. The surveys provide valuable feedback to the Supervisory Air Marshal in Charge (SAC) and CTEB instructional staff and supervisors on how the training material was presented and received. The Level 1 Evaluations are voluntary [1] for students who successfully complete training, and the students may remain anonymous when completing the survey, *i.e.,* they have the voluntary option to put their names on the survey. The feedback is used to improve the course curriculum.

Number of Respondents: Average 180 students per calendar year.

Estimated Annual Burden Hours: Approximately one hour per participant, 180 hours per calendar year.

Issued in Arlington, Virginia, on April 6, 2015.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–08577 Filed 4–13–15; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5859–N–02]

Advance Notice of Digital Opportunity Demonstration; Additional Contact Information

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: On April 3, 2015, HUD published a **Federal Register** notice, at 80 FR 18248, soliciting advance comment on a demonstration designed to test the effectiveness of collaborative efforts by government, industry, and nonprofit organizations to accelerate broadband adoption and use in HUD-assisted homes. The April 3, 2015, notice describes the criteria HUD will use to assess communities that have expressed an interest in participating in the demonstration. To determine interest, HUD seeks a formal commitment by the mayor or equivalent executive elected official of the community, and the PHA executive leader, to narrow the broadband digital divide. Communities interested in participating in this demonstration may use *DigitalOpportunityDemonstration@hud.gov* to notify HUD of their commitment to narrow the broadband digital divide. Communities and other interested members of the public

[1] This is a change from the 60-day Notice, which indicated it was mandatory for students to complete the survey.

wishing to comment on the April 3, 2015, notice must follow the instructions for submission of public comments as provided in the April 3, 2015, notice.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10282, Washington, DC 20410–7000, telephone number 202–402–5132 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

Dated: April 8, 2015.

Camille E. Acevedo,

Associate General Counsel for Legislation and Regulations.

[FR Doc. 2015–08540 Filed 4–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–05]

60-Day Notice of Proposed Information Collection: Service Coordinators in Multifamily Housing

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: June 15, 2015.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: For copies of the proposed forms and other available information contact Carissa Janis, Office of Asset Management and Portfolio Oversight, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410 by email *Carissa.l.janis@hud.gov* telephone at 202–402–2487. (This is not a toll-free number.); Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Service Coordinators in Multifamily Housing.

OMB Approval Number: 2502–0447.

Type of Request: Revision of a currently approved collection.

Form Numbers: HUD–2530, HUD–92456, HUD–92456–G, HUD–50080–SCMF, HUD–91186, HUD–91186–A, SF–424, SF–424–Supp, HUD–2880, SF–LLL, HUD–96010, 91178–A, HUD–91180–A, SF–269.

Description of the need for the information and proposed use: Completion of the Annual Report by grantees provides HUD with essential information about whom the grant is serving and what sort of services the beneficiaries receive using grant funds.

The Summary Budget and the Annual Program Budget make up the budget of the grantee's annual extension request. Together the forms provide itemized expenses for anticipated program costs and a matrix of budgeted yearly costs. The budget forms show the services funded through the grant and demonstrate how matching funds, participant fees, and grant funds will be used in tandem to operate the grant program. Field staff will approve the annual budget and request annual extension funds according to the budget. Field staff can also determine if grantees are meeting statutory and regulatory requirements through the evaluation of this budget.

HUD will use the Payment Voucher to monitor use of grant funds for eligible activities over the term of the grant. The Grantee may similarly use the Payment Voucher to track and record their requests for payment reimbursement for grant-funded activities.

Respondents: Multifamily Housing assisted housing owners.

Estimated Number of Respondents: 9770.

Estimated Number of Responses: 15,790.

Frequency of Response: Semi-annually to annually.

Average Hours per Response: 142.6.

Total Estimated Burden hours: 46,594.18.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 6, 2015.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015–08539 Filed 4–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5858–N–01]

Establishment of the Housing Counseling Federal Advisory Committee: Solicitation of Appointment Nominations

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development announces the

establishment of the Housing Counseling Federal Advisory Committee, a federal advisory committee established pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Federal Advisory Committee Act, and invites the public to nominate individuals for one-year, two-year and three-year term appointments.

DATES: Please submit applications as soon as possible, but no later than May 14, 2015.

Submission Address: Nominations must be in writing and be submitted to: Marjorie George, Senior Housing Program Officer, U.S. Department of Housing and Urban Development, Office of Housing Counseling, Office of Outreach and Capacity Building, 200 Jefferson Avenue, Suite 300, Memphis, TN 38103; or by email to *marjorie.a.george@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Marjorie George, Senior Housing Program Officer, Office of Housing Counseling, U.S. Department of Housing and Urban Development, 200 Jefferson Avenue, Suite 300, Memphis, TN 38103; telephone number 901–544–4228 (this is not a toll-free number); email *marjorie.a.george@hud.gov.* For hearing and speech-impaired persons, this number may be accessed via TTY by calling the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Subtitle D of title XIV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, 124 Stat. 1376 (July 21, 2010)) (Dodd-Frank Act) mandates that the Secretary shall appoint an advisory committee to provide advice to the Office of Housing Counseling (OHC). The value of the Housing Counseling Federal Advisory Committee (HCFAC) will be to advise the OHC to meet its mission to provide individuals and families with the knowledge they need to obtain, sustain, and improve their housing through a strong national network of HUD-approved housing counseling agencies and HUD-certified counselors. The HCFAC, however, shall have no role in reviewing or awarding of OHC housing counseling grants and procurement contracts.

The HCFAC shall consist of not more than 12 individuals. The membership will equally represent the mortgage and real estate industry, consumers and HUD-approved housing counseling agencies. Each member shall be appointed in his or her individual capacity for a term of 3 years and may be reappointed at the discretion of the Secretary. Except that of the 12 members first appointed to the HCFAC, 4 shall be appointed for an initial term of 1 year and 4 shall be appointed for a term of 2 years.

The HCFAC is subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix), and Presidential Memorandum ''Final Guidance on Appointments of Lobbyists to Federal Boards and Commissions,'' dated June 18, 2010, along with any relevant guidance published in the **Federal Register** or otherwise issued by the Office of Management and Budget (OMB).[1]

II. Selection and Meetings

After all applications have been reviewed, HUD will publish a notice in the **Federal Register** announcing the appointment of HCFAC members and the first meeting of the HCFAC. Selection of members will be made by the Secretary and will be based on the candidate's qualifications to contribute to the accomplishment of the HCFAC's objectives. HCFAC selection will be made on the basis of factors such as expertise and diversity of viewpoints that are necessary to effectively address the matters before the HCFAC. Membership on the Committee is personal to the appointee and committee members serve at the discretion of the Secretary for a 3-year term, except the first appointed members will consist of at a minimum 4 appointees that serve for a 2-year term and 4 appointees that serve for a 1-year term.

The estimated number of meetings anticipated within a fiscal year is 2. Additional meetings may be held as needed to render advice to the Deputy Assistant Secretary for the Office of Housing Counseling. All meetings will be announced by notice in the **Federal Register**. The meetings may use electronic communication technologies for attendance. Members of the HCFAC shall serve without pay but shall receive travel expenses including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703. Regular attendance is essential to the effective operation of the HCFAC.

III. Application for the Housing Counseling Federal Advisory Committee

HUD is seeking applications for representatives from the mortgage and real estate industry, including consumers and HUD-approved housing counseling agencies. Applicants must be U.S. citizens, and cannot be employees of the U.S. Government. All applicants will be serving in their ''individual capacity'' and not in a ''representative capacity,'' therefore, no Federally-registered lobbyists may serve on the HCFAC.[2] Individual capacity, as clarified by OMB, refers to individuals who are appointed to committees to exercise their own individual best judgment on behalf of the government, such as when they are designated as Special Government Employees as defined in 18 U.S.C. 202.[3]

Nominations to the HCFAC must be submitted on the application available on the Office of Housing Counseling's Web site at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hcc.* Individuals may nominate themselves. Each nominee will be required to include the following information:

- Name, title, and organization of the nominee and a description of the organization, sector or other interest of the nominee;
- Nominee's mailing address, email address, and telephone number;
- A statement summarizing the nominee's qualifications (including unique experiences, skills and knowledge you will bring to the HCFAC) and reasons why the nominee should be appointed to the HCFAC;
- A statement confirming that the nominee is not a registered federal lobbyist; and
- A statement agreeing to submit to any pre-appointment screenings HUD might require of Special Government Employees, as defined in 18 U.S.C. 202.

Applications should be submitted to Marjorie George, Senior Housing Program Officer, U. S. Department of Housing and Urban Development, Office of Housing Counseling, Office of Outreach and Capacity Building, 200 Jefferson Avenue, Suite 300, Memphis, TN 38103. All deliveries should be addressed to Marjorie George at the above address. Applications submitted via email should be addressed to:

[1] *See https://www.whitehouse.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions* (''Lobbyist on Agency Boards and Commissions''); *see also* 76 FR 61756 (''Final Guidance on Appointments of Lobbyists to Federal Boards and Commissions''); and 79 FR 47482 (''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'').

[2] *See* 79 FR 47482 (''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'') (clarifying that federally registered lobbyists may not serve on an advisory committee, board, or Commission in an ''individual capacity.'').

[3] *See* 79 FR 47482.

marjorie.a.george@hud.gov. All applications must be received no later than May 14, 2015.

HCFAC members will be required to adhere to the conflict of interest rules applicable to Special Government Employees as such employees are defined in 18 U.S.C. Section 202(a). The rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731). Therefore, applicants will be required to submit to pre-appointment screenings relating to identity of interest and financial interests that HUD might require as shown above. If selected, HCFAC members will also be asked to complete form OGE Form 450 (Confidential Financial Disclosure Report).

Please note this Notice is not intended to be the exclusive method by which HUD will solicit nominations and expressions of interest to identify qualified candidates; however, all candidates for membership on the HCFAC will be subject to the same evaluation criteria.

Dated: April 8, 2015.

Genger Charles,

General Deputy Assistant, Secretary for Housing.

[FR Doc. 2015–08550 Filed 4–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5837–N–01]

60-Day Notice of Proposed Information Collection: Rent Reform Demonstration (Task Order 2)

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 15, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Rent Reform Demonstration.

Type of Request: Revision of existing collection (OMB#2528–0306).

Description of the need for the information and proposed use: The Department is conducting this study under contract with MDRC and its subcontractors (Branch Associates, The Bronner Group, Quadel Consulting Corporation, and the Urban Institute). The project is a random assignment trial of an alternative rent system. Families will be randomly assigned to participate either in the new/alternative rent system or to continue in the current system. For voucher holders, outcomes of the alternative system are hypothesized to be increases in earnings, employment and job retention, among others. Random assignment will limit the extent to which selection bias drives observed results. The demonstration will document the progress of a group of housing voucher holders, who will be drawn from current residents. The intent is to gain an understanding of the impact of the alternative rent system on the families as well as the administrative burden on Public Housing Agencies (PHAs). Four PHAs currently participating in the Moving to Work (MtW) Demonstration are participating in the demonstration:

(1) Lexington Housing Authority (LHA), Lexington, Kentucky;

(2) Louisville Metro Housing Authority (LMHA), Louisville, Kentucky;

(3) San Antonio Housing Authority (SAHA), San Antonio, Texas; and

(4) District of Columbia Housing Authority (DCHA), Washington, DC

Data collection will include the families that are part of the treatment and control groups, as well as PHA staff. Data for this evaluation will be gathered through a variety of methods including informational interviews and discussions, direct observation, and analysis of administrative records. The work covered under this information request is for data collection proposed under the first of two required OMB submissions of the Task Order 2 of the Rent Reform Demonstration.

Respondents: 156.

This includes:

- Public Housing Authority Staff: Up to 44 (*i.e.,* assuming up to 11 staff at up to 4 PHAs).
- Families with housing vouchers participating in the Rent Reform Demonstration, up to 80.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Study Participant Interviews and/or Focus Groups.	80 participants (20 participants * 4 sites).	Once	One	90 minutes, on average (1.5 hours).	120 (80 * 1.5).	[1]$8.13	$487.80 (40 employed sample members * $8.13 * 1.5 hours).

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
PHA Staff Interviews	32 staff (8 staff[2] * 4 sites).	Once	One	90 minutes, on average (or 1.5 hours).	48 hours (32 * 1.50).	[3]24.33	1,167.84 (32 staff * $24.33 * 1.5 hours).
Housing Authority Database Extraction Activities by PHA staff.	4 staff (1 staff * 4 sites).	8 responses in the covered period (monthly through January 2015, then annually through 2018).	Four in 2015, two in 2016, one in 2017, one in 2018.	60 minutes, on average (or 1 hour).	16 hours (4 staff * 1 hour * 4 responses in 2015).	[4]33.58	537.28 (4 staff * $33.58 * 1 hour * 4 responses in 2015).
Cost Study Data Collection Activities with PHA staff.	8 staff (2 staff * 4 sites).	Three times over the covered period.	One	120 minutes, on average (or 2 hours).	16 hours (8 staff * 2 hours).	33.58	537.28 (8 staff * $33.58 * 2 hours).
Interviews to understand implementation of new rent model. Includes meetings with PHA staff for technical assistance purposes.	32 staff (8 staff * 4 sites).	Four times	Up to four times.	30–60 minutes (or .5 to 1 hours) Incorporated into technical assistance, monitoring visits and follow-up.	128 hours (4 one-hour meetings * 32 staff).	24.33	2,983 (32 staff * $24.33 * 1 hour * 4 meetings).
TOTAL	156				328		$5,844.44

[1] Households participating in the Rent Reform Demonstration will range widely in employment position and earnings. We have estimated the hourly wage at the expected prevailing minimum wage, which is $7.25 per hour in Kentucky and Texas. The hourly minimum wage in the District of Columbia is expected to be $10.50 by Q3 of 2015. (Source: District of Columbia Department of Employment Services, *http://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/DC%20Minimum%20Wage%20Increase%20-%20DC%/20Register%20Public%20Notice.pdf.*) Accordingly, we assume an hourly rate across all sites of $8.13 that represents an average of these two rates, weighted by the pledged sample at each site. (2,000 pledged participants in Washington, DC and 5,400 pledged in the remaining sites.) Moreover, we expect about 50 percent of the participants to be employed at the time of study entry. A recent report by the Center on Budget and Policy Priorities, some 55 percent of non-elderly, non-disabled households receiving voucher assistance reported earned income in 2010. The typical (median) annual earnings for these families were $15,600, only slightly more than the pay from full-time, year-round minimum-wage work. (*http://www.cbpp.org/cms/?fa=view&id=3634*). Based on this, we assumed 50% of tenants would be working at the federal minimum wage.

[2] Number of PHA staff interviews could increase if the housing agency deploys more staff to work on activities related to Rent Reform implementation.

[3] For program staff participating in interviews, the estimate uses the median hourly wages of selected occupations (classified by Standard Occupational Classification (SOC) codes) was sourced from the Occupational Employment Statistics from the U.S. Department of Labor's Bureau of Labor Statistics. Potentially relevant occupations and their median hourly wages are:

Occupation	SOC Code	Median hourly wage rate
Community and Social Service Specialist	21–1099	$19.26
Social/community Service Manager	11–9151	29.40

Source: Occupational Employment Statistics, accessed online March 20, 2015 at *http://www.bls.gov/oes/current/oes_stru.htm.*

To estimate cost burden to program staff respondents, we use an average of the occupations listed, or $24.33/hr.

[4] For program staff supporting data extraction activities, the estimate uses the median hourly wages of selected relevant occupations in a manner similar to the above. A standard wage assumption of $33.58 was created by averaging median hourly wage rates for these occupations:

Occupation	SOC Code	Median hourly wage rate
Database Administrator	15–1141	$37.75
Social/community Service Manager	11–9151	29.40

Source: Occupational Employment Statistics, accessed online March 22, 2015 at *http://www.bls.gov/oes/current/oes_stru.htm.*

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: April 2, 2015.

Katherine O'Regan,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2015–08538 Filed 4–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5838–N–03]

60-Day Notice of Proposed Information Collection: Voucher Management System (VMS)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 15, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: Voucher Management System (VMS).

OMB Approval Number: Pending OMB Approval.

Type of Request: New.

Form Number: Financial Forms: HUD-52672, 52681, 52681–B, 52663 and 52673. Originally, the HCV Financials were included in OMB Collection 2577–0169. Regulatory References 982.157 and 982.158. PHAs that administer the HCV program are required to maintain financial reports in accordance with accepted accounting standards in order to permit timely and effective audits. The HUD–52672 (Supporting Data for Annual Contributions Estimates Section 8 Housing Assistance Payments Program) and 52681 (Voucher for Payment of Annual Contributions and Operating Statement Housing Assistance Payments Program) financial records identify the amount of annual contributions that are received and disbursed by the PHA and are used by PHAs that administer the five-year Mainstream Program, MOD Rehab, and Single Room Occupancy. Form HUD–52663 (Suggested Format for Requisition for Partial Payment of Annual Contributions Section 8 Housing Assistance Payments Program) provides for PHAs to indicate requested funds and monthly amounts. Form HUD–52673 (Estimate of Total Required Annual Contributions Section 8 Housing Assistance Payments Program) allows PHAs to estimate their total required annual contributions. The required financial statements are similar to those prepared by any responsible business or organization.

The automated form HUD–52681–B (Voucher for Payment of Annual Contributions and Operating Statement Housing Assistance Payments Program Supplemental Reporting Form) is entered by the PHA into the Voucher Management System (VMS) on a monthly basis during each calendar year to track leasing and HAP expenses by voucher category, as well as data concerning fraud recovery, Family Self-Sufficiency escrow accounts, PHA-held equity, etc. The inclusion, change, and deletion of the fields mentioned below will improve the allocation of funds and allow the PHAs and the Department to realize a more complete picture of the PHAs' resources and program activities, promote financial accountability, and improve the PHAs' ability to provide assistance to as many households as possible while maximizing budgets. In addition, the fields will be crucial to the identification of actual or incipient financial problems that will ultimately affect funding for program participants. The automated form HUD–52681–B is also utilized by the same programs as the manual forms.

Description of the need for the information and proposed use: The Voucher Management System (VMS) supports the information management needs of the Housing Choice Voucher (HCV) Program and management functions performed by the Financial Management Center (FMC) and the Financial Management Division (FMD) of the Office of Public and Indian Housing and the Real Estate Assessment Center (PIH–REAC). This system's primary purpose is to provide a central system to monitor and manage the Public Housing Agency (PHAs) use of vouchers and expenditure of program funds, and is the base for budget formulation and budget implementation. The VMS collects PHAs' actual cost data that enables HUD to perform and control cash management activities; the costs reported are the base for quarterly HAP and Fee obligations and advance disbursements in a timely manner, and reconciliations for overages and shortages on a quarterly basis.

Respondents (*i.e.* affected public): Public Housing Authorities.

Estimated Number of Respondents: 3,110.

Estimated Number of Responses: 28,960.

Frequency of Response: monthly.

Average Hours per Response: 1.5.

Total Estimated Burdens: 57,540.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	3,110	12	28,960	1.5	57,540	$30	$1,726,200

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: April 7, 2015.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2015–08537 Filed 4–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000.PH0000. LXSS020H0000.15XL1109AF; HAG15–0106]

Notice of Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Steens Mountain Advisory Council (SMAC) will meet as indicated below:

DATES: April 30, 2015, from 10 a.m. to 4 p.m. and May 1, 2015 from 8:30 a.m. to 1 p.m., at the DoubleTree by Hilton, 300 NW Franklin Avenue, Bend, Oregon. Daily sessions may end early if all business items are accomplished ahead of schedule.

FOR FURTHER INFORMATION CONTACT: Tara Martinak, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573–4519, or email *tmartina@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area; recommends cooperative programs and incentives for landscape management that meet human needs; and advises the BLM on maintenance and improvement of the ecological and economic integrity of the area. Agenda items for the April 30-May 1 session may include an update on the Steens Mountain Comprehensive Recreation Plan decision; welcome and orientation for new members; change of Designated Federal Official discussion and update; collaborative processes conversation; and update on the National Landscape Conservation System sign plan and strategy; and, regular business items such as approving the previous meeting's minutes, member round-table, and planning the next meeting's agenda. A public comment period will be available each day of each meeting. The public is welcome to attend all sessions. Unless otherwise approved by the SMAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the SMAC for a maximum of five minutes.

Brendan Cain,

Burns District Manager.

[FR Doc. 2015–08583 Filed 4–13–15; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L63100000–HD0000–15XL1116AF: HAG 15–0107]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

Willamette Meridian

Oregon

T. 40 S., R. 4 E., approved March 27, 2015.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons

for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. 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.

Timothy J. Moore,

Acting, Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2015–08594 Filed 4–13–15; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–17934; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 21, 2015. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by April 29, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 26, 2015.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

IOWA

Fayette County

West Union Commercial Historic District, (Iowa's Main Street Commercial Architecture MPS), Roughly bounded by N. & S. Vine, Main, Walnut & Plum Sts., West Union, 15000191

Polk County

Allerman, Richard L. and Verda M., Farm Historic District, 2701 NW. 158th Ave., Slater, 15000192

Sac County

Sac City Monument Square Historic District, 400 W. Main St., Sac City, 15000193

Scott County

Oakdale Cemetery Historic District, 2501 Eastern Ave., Davenport, 15000194

MASSACHUSETTS

Suffolk County

Boston National Historical Park, Charlestown Navy Yard, Boston, 15000195

MISSOURI

Caldwell County

Moore's Mill Battlefield, Address Restricted, Calwood, 15000196

St. Louis Independent City

Beckley—Ralston Company, (Auto-Related Resources of St. Louis, Missouri MPS), 3306–3314 Washington Blvd., St. Louis (Independent City), 15000197

Kellerman Motor Car Company, (Auto-Related Resources of St. Louis, Missouri MPS), 3318–3322 Washington Blvd., St. Louis (Independent City), 15000198

Remington Rand Building, 4100 Lindell Blvd., St. Louis (Independent City), 15000199

NEW MEXICO

Lincoln County

Mesa Ranger Station, NF Rd. 131, Nogal, 15000200

NORTH CAROLINA

Anson County

Westview Cemetery, W. of Madison Ave., S. of Henry St., Wadesboro, 15000201

Cleveland County

United States Post Office, 100 E. Mountain St., Kings Mountain, 15000202

SOUTH DAKOTA

Hughes County

South Dakota State Capitol Complex (Boundary Decrease), 500 E. Capitol Ave., Pierre, 15000203.

[FR Doc. 2015–08500 Filed 4–13–15; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 156R5065C6, RX.59389832.1009676]

Addition to the Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of an additional proposed contract action pending through December 2015. This notice is in addition to the Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions which was published in the **Federal Register** on January 20, 2015 (80 FR 2727).

ADDRESSES: Information pertaining to the additional contract proposal may be obtained by calling or writing the Pacific Northwest Region, Bureau of Reclamation, Ephrata Field Office, P.O. Box 815, Ephrata, Washington 98823; telephone (509) 754–0227.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: The following information is added to the list of proposed or amendatory contract actions in the Pacific Northwest Region:

10. East Columbia Basin Irrigation District (District), Columbia Basin Project, Washington: Long-term contract to renew master water service contract No. 14–06–100–9165, as supplemented, to authorize the District to deliver a base quantity of up to 90,000 acre-feet of Columbia Basin Project water annually to up to 30,000 First Phase Continuation Acres located within the District, and continue delivery of additional water to land irrigated under the District's repayment contract during the peak period of irrigation water use annually.

Except for the above addition, the January 20, 2015, **Federal Register** notice remains the same.

Dated: March 3, 2015.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2015–08596 Filed 4–13–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–954]

Certain Variable Valve Actuation Devices and Automobiles Containing the Same 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 March 10, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Jacobs Vehicle Systems, Inc. of Bloomfield, Connecticut. An amended complaint was filed on March 24, 2015. A supplement to the amended complaint was filed on April 3, 2013. The complaint, as amended and supplemented, 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 variable valve actuation devices and automobiles containing the same by reason of infringement of certain claims of U.S. Patent No. 5,829,397 (''the '397 patent''); U.S. Patent No. 6,474,277 (''the '277 patent''); U.S. Patent No. 6,883,492 (''the '492 patent''); U.S. Patent No. 7,059,282 (''the '282 patent''); U.S. Patent No. 8,776,738 (''the '738 patent''); and U.S. Patent No. 8,820,276 (''the '276 patent''). The complaint, as amended, further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

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, as amended, 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 (2015).

Scope Of Investigation: Having considered the complaint, as amended, the U.S. International Trade Commission, on April 8, 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 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 variable valve actuation devices and automobiles containing the same by reason of infringement of one or more of claims 32 and 33 of the '397 patent; claim 36 of the '277 patent; claims 38–42, 44, and 45 of the '492 patent; claims 1, 4, 10, 13, 15–18, 25, and 27–30 of the '282 patent; claims 1, 3, 5–7, 13–22, 31, 35–50, and 53–56 of the '738 patent; and claims 1–10, 17, 19–23, and 26–28 of the '276 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(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: Jacobs Vehicle Systems, Inc., 22 East Dudley Town Road, Bloomfield, CT 06002.

(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: FCA US LLC, 1000 Chrysler Drive, Auburn Hills, MI 48326.

FCA México, S.A. de C.V., Prol. Paseo de la Reforma 1240, Desarrollo Santa Fe, México D.F.

FCA Melfi S.p.A., Localitá San Nicola-Zona Industriale Snc, 85025 Melfi Potenza, Italy.

FCA Serbia d.o.o. Kragujevac, 4, Kosovska Str., Kragujevac 34000, Serbia.

Fiat Chrysler Automobiles N.V., Fiat House, 240 Bath Road, Slough SL1 4DX, United Kingdom.

(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, as amended, 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, as amended, and the notice of investigation. Extensions of time for submitting responses to the complaint, as amended, 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, as amended, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, as amended, 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, as amended, 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: April 9, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–08511 Filed 4–13–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0111]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)

AGENCY: Bureau of Justice Statistics, Department of Justice

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, 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 of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 15, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lynn Langton, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Lynn.Langton@usdoj.gov*; telephone: 202–353–3328).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* National Crime Victimization Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers for the questionnaire are NCVS–1 and NCVS–2. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Persons 12 years or older living in NCVS sampled households located throughout the United States. The National Crime Victimization Survey (NCVS) collects, analyzes, publishes, and disseminates statistics on the criminal victimization in the U.S.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 143,911. It will take the average interviewed respondent an estimated 20 minutes to respond, the average non-interviewed respondent an estimated 7 minutes to respond, the estimated average follow-up interview is 15 minutes, and the estimated average follow-up for a non-interview is 1 minute.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 106,399 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 8, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–08416 Filed 4–13–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Modification To Consent Decree Under the Clean Water Act

On April 6, 2015, the Department of Justice lodged a proposed consent decree modification with the United States District Court for the Eastern District of Kentucky in the lawsuit entitled *United States & Commonwealth of Kentucky* v. *Lexington Fayette Urban County Government,* Civil Action No. 5:06-cv-00386–KSF, regarding the sanitary sewer system.

In 2011, the Court entered a consent decree in that case under which Lexington Fayette Urban County Government (''LFUCG'') agreed to perform sanitary sewer remedial measures pursuant to the sanitary sewer system and waste water treatment plant remedial measures plan under certain deadlines. The modification proposes to extend those deadlines to December 31, 2026, in light of the expanded scope and cost of those remedial measures.

The deadlines for remedial measures for LFUCG's sanitary sewer system currently range from September 10, 2023 to September 9, 2026. The Consent Decree currently provides for staggered deadlines depending on which of three groups the remedial measures projects were proposed in, and also whether the projects are associated with a waste water treatment plant upgrade. The effect of this proposed modification, which would set a single completion deadline for all projects, would be an extension which ranges in length from 113 days, to 3 years, 112 days, depending on the project at issue.

The publication of this notice opens a period for public comment on the proposed consent decree modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al.* v. *LFUCG,* D.J. Ref. No. 90–5–1–1–08858. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree modification may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree modification 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 $2.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–08507 Filed 4–13–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On April 8, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Missouri in the lawsuit entitled *United States* v. *Missouri Highway Transportation Commission,* Civil Action No. 15–4069.

The Complaint alleges that the Missouri Highway Transportation Commission (MHTC) violated the National Pollution Discharge Elimination System (NPDES) permit issued to it under of the Clean Water Act, 33 U.S.C. 1311 *et seq.,* at two highway construction and improvement sites in Missouri (Highways 54 and 67). Inspections by the U.S. Environmental Protection Agency documented numerous violations of the NPDES permit's stormwater requirements. The proposed Consent Decree requires MHTC to pay a civil penalty of $750,000 penalty, and to institute certain procedures and policies to enhance its compliance with stormwater requirements including: creating a specified stormwater management structure, implementing a training program, adhering to certain pre-construction requirements, implementing an enhanced inspection regime, and improving its stormwater deficiency tracking and correction scheme.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Missouri Highway and Transportation Commission,* D.J. Ref. No. 90–5–1–1–10421. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $14.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–08426 Filed 4–13–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of a New Collection; Private Industry Feedback Survey

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Cyber Division (CyD), 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 of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 15, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Paul Konschak, FBI Cyber Division, Cyber Outreach Section, 935 Pennsylvania Ave. NW., Washington, DC 20535 (facsimile: 703–633–5796).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Approval of a new collection.

2. *The Title of the Form/Collection:* 2013 Private Industry Feedback Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There will not be a form number on the survey.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The FBI, Cyber Division, produces reports that provide information related to cyber trends and threats for private sector partners. The reports are referred to as Private Industry Notifications (PINs) and FBI Liaison Alert Systems (FLASHs). In order to improve the PIN/FLASH reports, a ''Feedback'' Section will be added to the reports which will contain a URL that will link to a voluntary on-line survey. The results of the survey will be reviewed by CyD and used to improve future reports to better serve the FBI's private sector partners.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 5,000 respondents will complete the survey. It

is estimated that it will take each respondent 3 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 250 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 8, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–08415 Filed 4–13–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Availability of Funds and Funding Opportunity Announcement for Grant Applications for the Workforce Data Quality Initiative—Round V

AGENCY: Employment and Training Administration, Labor.

ACTION: Funding Opportunity Announcement (FOA).

Funding Opportunity Number: FOA–ETA–15–06.

SUMMARY: The Employment and Training Administration (ETA) announces the availability of approximately $10 million to award approximately eight grants of up to $1.2 million to State Workforce Agencies (SWA) for the Workforce Data Quality Initiative (WDQI).

The purpose of WDQI is to support the development and expansion of State workforce longitudinal administrative databases over a three-year grant period. Collecting longitudinal workforce and education data will provide a comprehensive picture of workers' earnings throughout their careers. Through analysis, these data will demonstrate the relationship between education and training programs, as well as the additional contribution of the provision of other employment services. These grants will help support the emphasis on accountability and transparency that is a key feature of the recently enacted WIOA and will be funded through section 171(c)(2) of WIA and section 169 of WIOA. These grants will also help support the implementation of WIOA by connecting the data infrastructure across programs, enabling states to meet the performance accountability requirements under WIOA.

The complete FOA and any subsequent FOA amendments in connection with this solicitation are described in further detail on ETA's Web site at *http://www.doleta.gov/grants/* or on *http://www.grants.gov.* The Web sites provide application information, eligibility requirements, review and selection procedures, and other program requirements governing this solicitation.

DATES: The closing date for receipt of applications under this announcement is May 6, 2015. Applications must be received no later than 4:00:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Linda K. Forman, 200 Constitution Avenue NW., Room N–4716, Washington, DC 20210; Telephone: 202–693–3416.

The Grant Officer for this FOA is Steven Rietzke

Signed: April 8, 2015 in Washington, DC.

Eric D. Luetkenhaus,

Grant Officer/Division Chief, Employment and Training Administration.

[FR Doc. 2015–08502 Filed 4–13–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Extension of Information Collection; Ventilation Plans, Tests and Examinations in Underground Coal Mines [OMB Control No. 1219–0088]

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

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 collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure 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 Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Ventilation Plans, Tests, and Examinations in Underground Coal Mines.

DATES: All comments must be received on or before June 15, 2015.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2015–0003.
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 101(a) of the Federal Mine Safety and Health Act of 1977 (the Mine Act), the Secretary may by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. In addition, section 303 requires that all underground coal mines be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment be examined daily and a record be kept of such examination.

Underground coal mines usually present harsh and hostile working environments. The ventilation system is the most vital life support system in underground mining and a properly operating ventilation system is essential for maintaining a safe and healthful working environment. Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and explosions.

An underground mine is a maze of tunnels that must be adequately ventilated with fresh air to provide a safe environment for miners. Methane is liberated from the strata, and noxious gases and dusts from blasting and other mining activities may be present. The explosive and noxious gases and dusts must be diluted, rendered harmless, and carried to the surface by the ventilating currents. Sufficient air must be provided to maintain the level of respirable dust at or below specific exposure limits and air quality must be maintained in accordance with the Mine Safety and Health Administration (MSHA) standards. Mechanical ventilation equipment of sufficient capacity must operate at all times while miners are in the mine. Ground conditions are subject to frequent changes, thus sufficient tests and examinations are necessary to ensure the integrity of the ventilation system and to detect any changes that may require adjustments in the system. Records of tests and examinations are necessary to ensure that the ventilation system is being maintained and that changes which could adversely affect the integrity of the system or the safety of the miners are not occurring. These examination, reporting and recordkeeping requirements of sections 75.310, 75.312, 75.342, 75.351, 75.360 through 75.364, 75.370, 75.371, and 75.382 also incorporate examinations of other critical aspects of the underground work environment such as roof conditions and electrical equipment which have historically caused numerous fatalities when not properly maintained and operated.

Section 75.362, On-shift Examinations, was revised at subsection 75.362(a)(2) and (g)(2)–(4) by MSHA's rule titled ''Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors, '' published May 1, 2014. This rule also revised subsection 75.371(f) and (j).

Subsection 75.362(a)(2) requires that a person designated by the operator conduct an examination and record the results and the corrective actions taken to assure compliance with the respirable dust control parameters specified in the approved mine ventilation plan.

Under subsection 75.362(g)(2)(i), the certified person directing the on-shift examination must certify by initials, date, and time on a board maintained at the section load out or similar location showing that the examination was made prior to resuming production. No increased burden is estimated for section 75.362(g)(2)(i) in this Information Collection Request (ICR) because MSHA does not expect the burden to be different from the burden in existing section 75.362(g)(2)).

Under section 75.362(g)(2)(ii), the certified person directing the on-shift examination must verify, by initials, date and time, the record of the results of the examination required under section 75.362(a)(2) to assure compliance with the respirable dust control parameters specified in the mine ventilation plan. Further, section 75.362(g)(3) requires a mine foreman or equivalent mine official to countersign each examination record required under section 75.362(a)(2) after it is verified by the certified person under section 75.362(g)(2)(ii), and no later than the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift. Section 75.362(g)(2)(ii) and (g)(3) are additional burdens that are accounted for in this ICR and 75.362(g)(2)(ii)(4) requires the records be retained at a surface location at the mine for at least 1 year and shall be made available for inspection by authorized representatives of the Secretary and the representative of miners.

Paragraph (a)(2) in section 75.370 (Mine ventilation plan; submission and approval) contains the burden for underground coal mine operators to submit mine ventilation plan revisions for District Manager approval. Each mine ventilation plan must include information that is specified by section 75.371 (Mine ventilation plan; contents).

Section 75.371(f) adds the following information that a mine operator must include in the mine ventilation plan: the minimum quantity of air that will be delivered to the working section for each mechanized mining unit (MMU), and the identification by make and model, of each different dust suppression system used on equipment on each working section, including: (1) The number, types, location, orientation, operating pressure, and flow rate of operating water sprays; (2) the maximum distance that ventilation control devices will be installed from each working face when mining or installing roof bolts in entries and crosscuts; (3) procedures for maintaining the roof bolter dust collection system in approved condition; and (4) recommended best work practices for equipment operators to minimize dust exposure.

Section 75.371(j) adds a requirement that for machine mounted dust collectors, the ventilation plan must include the type and size of dust collector screens used and a description of the procedures to be followed to properly maintain dust collectors used on the equipment.

Section 75.370(a)(2) requires all underground coal mine operators to submit revisions for mine ventilation plans to MSHA. The burden to submit the additional information required by section 75.371(f) and (j) as proposed revisions to the plan is accounted for in this package under section 75.370(a)(2). In addition, section 75.370(a)(3)(i) requires underground coal mine operators to notify the miners' representative at least 5 days prior to submission of mine ventilation plan revisions and, if requested, provide a copy of the revisions to the miners' representative at the time of notification. Section 75.370(a)(3)(iii) and (f)(3) require the operator to post a copy of the plan revisions, and section 75.370(f)(1) requires that the operator provide a copy of the revisions to the miners' representative, if requested. MSHA assumes that a copy of the revisions will be requested. The burdens for notification, providing requested copies, and posting associated with mine ventilation plan revisions resulting from section 75.371(f) and (j) are accounted for in this package under section 75.370(a)(3)(i), (f)(1), (a)(3)(iii), and (f)(3) respectively.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Ventilation Plans, Tests, and Examinations in Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This information collection request is available on *http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp.* The information collection request will be available on MSHA's Web site and on

http://www.regulations.gov. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Ventilation Plans, Tests, and Examinations in Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Revision of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0088.

Affected Public: Business or other for-profit.

Number of Respondents: 434.

Frequency: On occasion.

Number of Responses: 1,902,012.

Annual Burden Hours: 313,624 hours.

Annual Respondent or Recordkeeper Cost: $118,982.

Comments submitted in response to this notice will be summarized and 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: April 8, 2015.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2015–08482 Filed 4–13–15; 8:45 am]

BILLING CODE 4510–43–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–134; NRC–2015–0090]

University of Michigan's Ford Nuclear Reactor Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: License termination; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is noticing the termination of Facility Operating License No. R–28 for the Ford Nuclear Reactor (FNR). The NRC has terminated the license of the decommissioned FNR at the University of Michigan (UM or the licensee) in Ann Arbor, Michigan, and has released the site for unrestricted use.

DATES: Notice of termination of Facility Operating License No. R–28 given on April 14, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0090 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0090. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* 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.

FOR FURTHER INFORMATION CONTACT: Theodore Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6721; email: *Theodore.Smith@nrc.gov.*

SUPPLEMENTARY INFORMATION: The FNR was operated by the Michigan Memorial Phoenix Project (MMPP) at the UM as a memorial to students and alumni of the UM who served in World War II, including the 588 who died in the war. The MMPP's purpose has been to encourage and support research on the peaceful uses of nuclear energy and its social implications. The FNR was used by students, faculty and staff of the UM and other institutions and entities for research, experiments, and education classes. The FNR operations provided major assistance to a wide variety of research and educational programs, including neutron irradiation services, neutron beam port experimental facilities, classes in reactor operations, reactor related laboratory work, neutron activation analysis, isotope preparation, radiochemical preparation, gamma irradiation services, neutron radiography, testing services, and training programs. The licensee ceased operation of the facility in July 2003, and the fuel was subsequently removed in December 2003. The FNR underwent decommissioning activities from 2006 until 2012, followed by Final Status Surveys (FSS) in the winter of 2012 to assess the final radiological status of the facility.

The licensee submitted a proposed Decommissioning Plan (DP) on June 23, 2004 (ADAMS Package No. ML041810586) which was revised on January 10, 2006 (ADAMS Package No. ML060180411). The NRC approved the revised UM DP by Amendment No. 50 to License R–28, dated June 26, 2006 (ADAMS Accession No. ML061220260).

As required by the FNR DP, the UM submitted a Final Status Survey Plan (FSSP), in letters dated April 8, 2011, July 12, 2011, January 20, 2012, June 1, 2012, July 13, 2012, and September 17, 2012 (ADAMS Accession Nos. ML11119A004, ML11199A009, ML12025A125, ML12157A266, ML12199A018, and ML12264A562, respectively). Additional site characterization information for the FNR was provided on February 14, 2012, and September 18, 2012 (ADAMS Package No. ML120950629 and ADAMS Accession No. ML12264A064).

By letter dated October 25, 2012 (ADAMS Accession No. ML12293A302), the NRC reviewed the FSSP and determined that after a change to one paragraph, it was acceptable and consistent with the guidance in NUREG–1757, ''Consolidated Decommissioning Guidance'' (ADAMS Accession No. ML063000243), and NUREG–1575, ''Multi-Agency Radiation Survey and Site Investigation Manual'' (MARSSIM) (ADAMS Accession No. ML082470583). The UM provided the modified FSSP with the revised paragraph on November 2, 2012 (ADAMS Accession No. ML12312A130). The modification required an additional final status survey for three special areas of the FNR.

The UM provided a final status survey report (FSSR) which included information on the three special FSS

areas in a letter dated July 11, 2013 (ADAMS Package ML13205A152), followed by a corrected background count rate for the FSSR on August 19, 2013 (ADAMS Accession No. ML13235A009).

In a letter dated February 26, 2014 (ADAMS Accession No. ML14063A207), the UM confirmed that FNR systems and components had been transferred to the UM Broad Scope license No. 21–00215–04 by Amendment No. 102, in accordance with the approved DP, and requested termination of the FNR license. The Amendment No. 102 transfer was approved by the NRC, with a correction, on February 19, 2014 (ADAMS Accession No. ML14055A189). On June 23, 2014, NRC inspectors confirmed that site conditions were acceptable for license termination (ADAMS Accession No. ML14197A232). Additionally, NRC staff has reviewed the FNR FSSR. The FNR FSSR states that the criteria for termination set forth in FNR's license (R–28), and as established in its DP and FSSP have been satisfied.

The FSSR indicates that all but one of the individual radiological measurement determinations made throughout the facility for surface contamination (both total and removable) were found to be less than the criteria established in the DP, which is acceptable in accordance with the MARSSIM statistical methodology. Similarly, sample results from soil, and sediments were found to be less than the volumetric radionuclide concentration criteria established in the DP. Additionally, all the radioactive wastes have been removed from the facility. For these reasons, the NRC staff has determined that the survey results in the report comply with the criteria in the NRC approved DP and the release criteria in subpart E of part 20 of Title 10 of the *Code of Federal Regulations* (10 CFR).

On August 9 through 11, 2011 the NRC conducted an on-site inspection of the decommissioning activities at the FNR. The NRC inspector evaluated decommissioning performance and conducted independent radiation surveys and soil sampling, with soil sample evaluation of the NRC samples by the Oak Ridge Associated Universities (ORAU). The inspection was an examination of UM's licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions, including the DP and FSSP. The inspection consisted of observations by the inspectors, interviews with personnel, and a review of procedures and records and acquisition of split samples. As a result of this inspection, a Notice of Violation was issued to the UM for failing to independently monitor or audit either decommissioning operations or the quality assurance program annually as required (ADAMS Accession No. ML11299A076). This violation has been resolved by the UM reinitiating audits and quality assurance reviews as part of semi-annual Decommissioning Review Committee meetings, as documented in an October 10, 2012 NRC inspection report. (ADAMS Accession No. ML12284A282). The final report from ORAU of the results of the soil sample analysis was provided to the NRC on August 23, 2011 (ADAMS Accession No. ML112420852). One of the soil samples exceeded the FNR DP's soil derived concentration guideline level for Cobalt-60, which was addressed by the UM subsequently remediating all the soil from the cavity area, and resampling as part of the final status survey.

At the request of NRC staff, on January 16, 2015 (ADAMS Accession No. ML15020A725), UM provided the results of eight additional soil samples, taken to a depth of thirteen feet, in the area where stockpiled soils were reused to refill the excavation in the former storage ports area of the FNR. All samples were below minimum detectable activity and well below the soil derived concentration guideline levels, which demonstrates that the reused stockpiled soils are acceptable for unrestricted release. Additionally, three split samples were sent to ORAU for laboratory analysis (ADAMS Accession No. ML15030A311). The results contained in the analytical report are consistent with UM's report.

Pursuant to 10 CFR 50.82(b)(6), the NRC staff has concluded that the UM FNR in Ann Arbor, Michigan, has been decommissioned in accordance with the approved DP and that the FSSR and associated documentation demonstrates that the facilities and site may be released in accordance with the criteria for license termination in 10 CFR part 20, subpart E. Further, on the basis of the decommissioning activities carried out by the UM, the NRC's review of the licensee's FSSR, the results of the NRC inspections conducted at the reactor facility, and the results of confirmatory lab analyses, the NRC has concluded that the decommissioning process is complete and the facilities and sites may be released for unrestricted use.

Therefore, Facility Operating License No. R–28 is terminated.

Dated at Rockville, Maryland, this 2nd day of April 2015.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–08576 Filed 4–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Vogtle Electric Generating Station, Units 3 and 4; Southern Nuclear Operating Company; Tier 1 Editorial and Consistency Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 30 to Combined Licenses (COLs), NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated July 29, 2014 (ADAMS Accession No. ML14210A646) and supplemented by letter dated November 5, 2014 (ADAMS Accession No. ML14309A586).

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ruth Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3249; email: *Ruth.Reyes@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 30 to COLs, NPF–91 and NPF–92, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought changes to COL Appendix C and corresponding plant-specific Tier 1 information to correct editorial errors and/or consistency errors (*e.g.,* inconsistencies between Updated Final Safety Analysis Report (UFSAR) (Tier 2) and Tier 1 information, and inconsistencies between information from different locations within Tier 1).

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML14350B104.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML14351A256 and ML14351A271, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML14351A250 and ML14351A252, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to Vogtle Units 3 and 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated July 29, 2014, and as supplemented by the letter dated November 5, 2014, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D as part of license amendment request 14–002, ''Tier 1 Editorial and Consistency Changes.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML14350B104, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 Figures 2.2.4–1, 3.3–1 through 10, 3.3–11A, 3.3–11B, and 3.3–12 through 14; Tables: 2.2.2–3, 2.2.3–4, 2.2.3–6, 2.2.4–1, 2.2.4–4, 2.2.5–5, 2.3.2–1, 2.3.2–2, 2.3.6–1, 2.3.6–4, 2.3.10–1, 2.3.10–4, 2.3.14–2, 2.6.3–3, 2.6.3–4, 3.3–1, 3.3–6, 2.1.3–4, 2.5.1–2 and 3.7–2; and Sections 2.6.3 and 3.3, as described in the licensee's request dated July 29, 2014, and supplemented on November 5, 2014. This exemption is related to, and necessary for the granting of License Amendment No. 30, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession Number ML14350B104), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated July 29, 2014, and supplemented by letter dated November 5, 2014, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I, above.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on September 30, 2014 (79 FR 58812). The November 5, 2014, supplement had no effect on the no significant hazards consideration determination, and no comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for

categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on July 29, 2014, as supplemented by letter dated November 5, 2014. The exemption and amendment were issued on February 13, 2015 as part of a combined package to the licensee (ADAMS Accession No. ML14350B012).

Dated at Rockville, Maryland, this 7th day of April 2015.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Acting Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–08566 Filed 4–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0088]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 19, 2015 to April 1, 2015. The last biweekly notice was published on March 31, 2015.

DATES: Comments must be filed by May 14, 2015. A request for a hearing must be filed by June 15, 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–2015–0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*.
- 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: Angela Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2976, email: *Angela.Baxter@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0088 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–2015–0088.
- 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–2015–0088, facility name, unit number(s), application date, and subject 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 will post all comment submissions at *http://www.regulations.gov* as well as enter 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 into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license

amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity to Request a Hearing and Petition for Leave to Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support

unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: February 2, 2015. A publicly-available version is in ADAMS under Accession No. ML15036A486.

Description of amendment request: The proposed amendment would modify several Technical Specification Limiting Conditions for Operation (LCOs) and Surveillance Requirements (SRs) to allow secondary containment access openings to be opened intermittently under administrative control.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed changes allow temporary conditions during which the secondary containment LCO and SRs are not met. The secondary containment is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased. The consequences of an accident previously evaluated while utilizing the proposed changes are no different than the consequences of an accident while utilizing the existing 4-hour allowed outage time for an inoperable reactor enclosure secondary containment. As a result, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The proposed changes do not alter the protection system design, create

new failure modes, or change any modes of operation. The proposed changes do not involve a physical alteration of the plant, and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No. The proposed changes allow temporary conditions during which the secondary containment LCO and SRs are not met. Temporary conditions in which the secondary containment vacuum is below the required limit are acceptable provided the conditions do not affect the ability of the Standby Gas Treatment System to establish the required secondary containment vacuum. This condition is incorporated in the proposed changes by requiring the condition to be momentary or under administrative control such that the conditions equivalent to the design condition can be quickly restored should secondary containment vacuum be required. Therefore, the safety function of the secondary containment is not affected. The allowance for both an inner and outer secondary containment access door to be open simultaneously for entry and exit does not affect the safety function of the secondary containment as the doors are promptly closed after entry or exit, thereby restoring the secondary containment boundary.

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.

Attorney for licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Doulas A. Broaddus.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: February 23, 2015. A publicly-available version is in ADAMS under Accession No. ML15055A506.

Description of amendment request: The proposed amendment would modify a Technical Specification Limiting Condition for Operation (LCO) and certain Surveillance Requirements (SRs) to allow secondary containment access openings to be opened intermittently under administrative control.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed changes allow temporary conditions during which the secondary containment LCO and certain SRs are not met. The secondary containment is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased. The consequences of an accident previously evaluated while utilizing the proposed changes are no different than the consequences of an accident while utilizing the existing 4-hour Completion Time for an inoperable secondary containment. As a result, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The proposed changes do not alter the protection system design, create new failure modes, or change any modes of operation. The proposed changes do not involve a physical alteration of the plant; and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No. The proposed changes allow temporary conditions during which the secondary containment LCO and certain SRs are not met. Temporary conditions in which the secondary containment is open is acceptable provided the conditions do not affect the ability of the Standby Gas Treatment System to create a lower pressure in the secondary containment than in the outside environment if required. This condition is incorporated in the proposed changes by requiring the condition to be under administrative control such that the conditions equivalent to the design condition can be quickly restored should secondary containment vacuum be required. Therefore, the safety function of the secondary containment is not affected. The allowance for both an inner and outer secondary containment door to be open simultaneously for entry and exit does not affect the safety function of the secondary containment as the doors are promptly closed after entry or exit, thereby restoring the secondary containment boundary. The ability to open secondary containment access openings under administrative control, even if it means the secondary containment boundary is temporarily not intact, is acceptable due to the low probability of an event that requires secondary containment during the short time in which the secondary containment is open and the presence of administrative controls to rapidly close the opening.

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.

Attorney for licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Douglas A. Broaddus.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: December 11, 2014. A publicly-available version is in ADAMS under Accession No. ML14349A749.

Brief description of amendment request: The proposed amendments would revise the technical specification (TS) 3.3.3, ''EM [Event Monitoring] Instrumentation,'' to add the Steam Generator Water Level—Narrow Range Instruments to Table 3.3.3–1. In addition, the amendments would revise Appendix B, ''Additional Condition,'' of the Renewed Operating License for each unit regarding implementation of License Amendment Nos. 206 (Unit 1) and 193 (Unit 2) for Alternative Source Term (AST), and removes two AST Additional Conditions for each unit that have been fulfilled.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed amendments involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The license amendment requests propose to add Steam Generator Water Level (narrow range) Instrumentation to Technical

Specification Event Monitoring Instrumentation; revise license Additional Conditions to exclude Steam Generator Water Level (narrow range) Instrument implementation requirements from Alternative Source Term license amendment implementation; and remove Alternative Source Term amendment implementation Additional Conditions which have been fulfilled.

The Steam Generator Water Level (narrow range) Instrumentation is not an accident initiator and therefore addition of this instrumentation to the Technical Specifications does not increase the probability of an accident. Addition of this instrumentation to the Technical Specifications will bring it under the controls and testing requirements of the Technical Specifications. The proposed change will not increase the consequences of previously-evaluated accidents because the inclusion of these instruments in the technical specification improves their reliability to perform during a postulated accident. Therefore, the proposed Technical Specification changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Alternative Source Term license amendment was previously analyzed and approved for implementation. The proposed Additional Condition revision to exclude Steam Generator Water Level (narrow range) Instrumentation implementation requirements from Alternative Source Term license amendment implementation clarifies implementation requirements and allows completion of implementation activities. Since the Alternative Source Term amendment was previously approved, this change does not increase the probability or consequences of a previously evaluated accident.

Removal of license Additional Conditions which have been fulfilled is an administrative change and thus this change does not increase the probability or consequences of a previously evaluated accident.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed amendments create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The license amendment requests propose to add Steam Generator Water Level (narrow range) Instrumentation to Technical Specification Event Monitoring Instrumentation; revise license Additional Conditions to exclude Steam Generator Water Level (narrow range) Instrument implementation requirements from Alternative Source Term license amendment implementation; and remove Alternative Source Term amendment implementation Additional Conditions which have been fulfilled.

The proposed Technical Specification changes and Additional Condition changes and the resulting instrument upgrades do not create new failure modes or mechanisms and do not change plant conditions from which some new material interaction may create a new or different type of accident. Thus, the Technical Specification and license Additional Condition changes do not create new failure modes or mechanisms, nor do they generate new accident precursors.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed removal of fulfilled Additional Conditions is an administrative change and thus does not create the possibility of a new or different kind of accident.

3. Do the proposed amendments involve a significant reduction in a margin of safety?

Response: No.

The license amendment requests propose to add Steam Generator Water Level (narrow range) Instrumentation to Technical Specification Event Monitoring Instrumentation; revise license Additional Conditions to exclude Steam Generator Water Level (narrow range) Instrument implementation requirements from Alternative Source Term license amendment implementation; and remove Alternative Source Term amendment implementation Additional Conditions which have been fulfilled.

Addition of this instrumentation to the Technical Specifications will bring it under the controls and testing requirements of the Technical Specifications. The proposed change will not increase the consequences of previously evaluated accidents because instrument upgrade and the inclusion of these instruments in the Technical Specifications improve their reliability to perform during a postulated accident.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The Alternative Source Term license amendment was previously analyzed and approved for implementation. The proposed Additional Condition revision to exclude Steam Generator Water Level (narrow range) Instrumentation implementation requirements from Alternative Source Term license amendment implementation clarifies implementation requirements and allows completion of implementation activities. Since the Alternative Source Term [amendment] was previously approved, the changes proposed in this license amendment do not involve a significant reduction in a margin of safety.

The proposed removal of fulfilled Additional Conditions is administrative in nature and thus 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 requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David L. Pelton.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Unit 1, Salem County, New Jersey

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: December 9, 2014. A publicly-available version is in ADAMS under Accession No. ML14343A926.

Description of amendment request: The proposed amendments would revise the Public Service Electric and Gas Nuclear LLC (PSEG) Environmental Protection Plans (Non-Radiological), Appendix B to the renewed facility operating license (FOL) numbers DPR–70 and DPR–75 for Salem Nuclear Generating Station, Units 1 and 2, and the renewed FOL number NPF–57 for Hope Creek Generating Station. The proposed changes will simplify the Aquatic Monitoring section of Appendix B, modify the criteria for reporting Unusual or Important Environmental Events, and will clarify that PSEG Nuclear must adhere to the currently applicable Biological Opinion.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The [Environmental Protection Plan] EPP provides for protection of non-radiological environmental values during operation of the nuclear facility.

The proposed changes do not have any impact on structures, systems and components (SSCs) of the plant, and no effect on plant operations. The proposed changes do not impact any accident initiators, or analyzed events, or assumed mitigation of accident or transient events. The proposed changes do not result in the addition or removal of any equipment.

Therefore, these proposed changes do not represent a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are administrative in nature and do not involve a modification to the physical configuration of the plant

(*i.e.,* no new equipment will be installed) or change in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements or introduce a new accident initiator, accident precursor, or malfunction mechanism.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are administrative in nature.

There is no change to any design basis, licensing basis or safety limit, and no change to any parameters; consequently no safety margins are affected.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based upon the above, PSEG concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, and with the changes noted above in square brackets, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Douglas A. Broaddus.

South Carolina Electric & Gas Company, Docket Nos.: 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: September 25, 2014; as supplemented by letter dated March 13, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML14268A388 and ML15072A306, respectively.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–93 and NPF–94 for the VCSNS Units 2 and 3 by allowing changes to adjust the concrete wall thickness tolerances of four Nuclear Island walls found in Tier 1. In addition, the changes include an update to Tier 2 Subsection 3.8.3.6.1 to address the exceeded American Concrete Institute (ACI) 117 tolerance for the four affected walls.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As indicated in the Updated Final Safety Analysis Report Subsection 3.8.3.1, the containment internal structures and associated modules support the reactor coolant system components and related piping systems and equipment. The increase in tolerance associated with the concrete thickness of four of these containment internal structure walls do not involve any accident initiating components or events, thus leaving the probabilities of an accident unaltered. The increased tolerance does not adversely affect any safety-related structures or equipment nor does the increased tolerance reduce the effectiveness of a radioactive material barrier. Thus, the proposed changes would not affect any safety-related accident mitigating function served by the containment internal structures.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed tolerance increases do not change the performance of the affected containment internal structures. As demonstrated by the continued conformance to the applicable codes and standards governing the design of the structures, the walls with an increased concrete thickness tolerance continue to withstand the same effects as previously evaluated. There is no change to the design function of the affected modules and walls, and no new failure mechanisms are identified as the same types of accidents are presented to the walls before and after the change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to increase the concrete thickness tolerance does not alter any design function, design analysis, or safety analysis input or result, and sufficient margin exists to justify a departure from the standards identified in the underlying Tier 2 information with respect to the four affected walls. As such, because the system continues to respond to design basis accidents in the same manner as before without any changes to the expected response of the structure, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes. Accordingly, no safety margin is reduced by the increase of the wall concrete thickness tolerance.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence Burkhart.

Southern Nuclear Operating Company, Inc. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant Units 3 and 4, Burke County, Georgia

Date of amendment request: March 6, 2015. A publicly-available version is in ADAMS under Accession No. ML15065A362.

Description of amendment request: The proposed amendment and exemption identify portions of the licensing basis that would more appropriately be classified as Tier 2, specifically the Tier 2* information on Fire Area Figures 9A–1, 9A–2, 9A–3, 9A–4, 9A–5, and 9A–201 in the Vogtle Electric Generating Plant Units 3 and 4 Updated Final Safety Analysis Report. With the reclassification, prior U.S. Nuclear Regulatory Commission approval would continue to be required for any safety significant changes to the Fire Area Figures because any revisions to that information would follow the Tier 2 change process provided in 10 CFR part 52, Appendix D, Section VIII.B.5.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would reclassify Fire Area Figures Tier 2* information. The proposed amendment does not modify the design, construction, or operation of any plant structures, systems, or components (SSCs), nor does it change any procedures or method of control for any SSCs. Because the proposed amendment does not change the design, construction, or operation of any SSCs, it does not adversely affect any design function as described in the Updated Final Safety Analysis Report.

Therefore, the proposed amendment does not affect the probability of an accident

previously evaluated. Similarly, because the proposed amendment does not alter the design or operation of the nuclear plant or any plant SSCs, the proposed amendment does not represent a change to the radiological effects of an accident, and therefore, does not involve an increase in the consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment would reclassify Fire Area Figures Tier 2* information. The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The only impact of this activity is the reclassification of information in the Updated Final Safety Analysis Report. Because the proposed amendment only reclassifies information and does not change the design, construction, or operation of the nuclear plant or any plant operations, the amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment would reclassify Fire Area Figures Tier 2* information. The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The only impact of this activity is the reclassification of information in the Updated Final Safety Analysis Report.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence Burkhart.

ZionSolutions LLC, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station (Zion), Units 1 and 2, Lake County, Illinois

Date of amendment request: December 19, 2014, as supplemented on February 26, 2015. Publicly available versions are in ADAMS under Accession Nos. ML15005A336 and ML15061A230, respectively.

Description of amendment request: The proposed amendment would add License Condition 2.C (17) that approves the License Termination Plan (LTP) and establishes the criteria for determining when changes to the LTP require prior the U.S. Nuclear Regulatory Commission (NRC) approval.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The only remaining accident after fuel transfer is completed in January 2015 is the Radwaste handling accident. Calculations were performed to determine the dose at the Exclusion Area Boundary that would result from dropping a High Integrity Container in the former Interim Radwaste Storage Facility (IRSF) such that its entire contents of radioactive, dewatered resin escape. A fraction of the escaped resin is non mechanistically assumed to be released as airborne radioactivity and pass from the IRSF directly to the environment, resulting in off-site dose consequences. The solid-to-aerosol release fraction is assumed to be the worst case non-mechanistic, mechanically initiated release fraction. The whole body and inhalation dose at the closest point on the Exclusion Area Boundary from the IRSF are then calculated.

The results of the radiological dose consequences for an accident involving the failure of a High Integrity Container show that the projected doses are insignificant in comparison to the 10 CFR 100 guidelines, and are less than the EPA [Environmental Protection Agency] PAGs [protective action guidelines]. The projected dose at the Low Population Zone would be less than at the Exclusion Area Boundary and, since this accident involves an instantaneous release, it is also within the 10 CFR 100 guidelines.

The proposed change does not affect the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and has no impact on plant operations. The proposed changes do not have an adverse impact on the remaining decommissioning activities or any decommissioning related postulated accident consequences.

The proposed changes related to the approval of the LTP do not affect operating procedures or administrative controls that have the function of preventing or mitigating the remaining decommissioning design basis accident.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

(2) Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The accident analysis for the facility related to decommissioning activities is described in the DSAR [defueled safety analysis report]. The requested license amendment is consistent with the plant activities described in the DSAR and PSDAR [post-shutdown decommissioning activities report]. Thus, the proposed changes do not affect the remaining plant systems, structures, or components in a way not previously evaluated.

There are sections of the LTP that refer to the decommissioning activities still remaining (*e.g.;* removal of large components, structure removal, etc.). However, these activities are performed in accordance with approved work packages/steps and undergo a 10 CFR 50.59 screening prior to initiation. The proposed amendment merely makes mention of these processes and does not bring about physical changes to the facility.

Therefore, the facility conditions for which the remaining postulated accident has been evaluated is still valid and no new accident scenarios, failure mechanisms, or single failures are introduced by this amendment. The system operating procedures are not affected. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the change involve a significant reduction in a margin of safety?

The LTP is a plan for demonstrating compliance with the radiological criteria for license termination as provided in 10 CFR 20.1402 (Reference 5). The margin of safety defined in the statements of consideration for the final rule on the Radiological Criteria for License Termination is described as the margin between the 100 mrem/yr public dose limit established in 10 CFR 20.1301 for licensed operation and the 25 mrem/yr dose limit to the average member of the critical group at a site considered acceptable for unrestricted use (one of the criteria of 10 CFR 20.1402). This margin of safety accounts for the potential effect of multiple sources of radiation exposure to the critical group. Since the License Termination Plan is designed to comply with the radiological criteria for license termination for unrestricted use, the LTP supports this margin of safety.

In addition, the LTP provides the methodologies and criteria that will be used to perform remediation activities of residual radioactivity to demonstrate compliance with the ALARA [as low as reasonably achievable] criterion of 10 CFR 20.1402.

Additionally, the LTP is designed with recognition that (a) the methods in MARSSIM (Multi-Agency Radiation Survey and Site Investigation Manual) (Reference 6) and (b) the building surface contamination levels are not directly applicable to use with complex nonstructural components. Therefore, the LTP states that nonstructural components remaining in buildings (*e.g.,* pumps, heat exchangers, etc.) will be evaluated against the criteria of Regulatory Guide 1.86 (Reference 7) to determine if the components can be released for unrestricted use. The LTP also states that materials, surveyed and evaluated as a part of normal decommissioning activities and prior to implementation of the final radiation surveys, will be surveyed for release using current site procedures to demonstrate compliance with the ''no detectable'' criteria. Such materials that do not pass these criteria will be controlled as contaminated.

Also, as previously discussed, the bounding accident for decommissioning is the resin container accident. Since the bounding decommissioning accident results in more airborne radioactivity than can be released from other decommissioning events, the margin of safety associated with the consequences of decommissioning accidents is not reduced by this activity.

Thus, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Russ Workman, Deputy General Counsel, EnergySolutions, 423 West 300 South, Suite 200, Salt Lake City, UT 84101.

NRC Branch Chief: Bruce Watson.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendment: November 20, 2013, as supplemented by letters dated November 20, 2013, and January 16 and December 19, 2014.

Brief description of amendment: The amendment modified Technical Specification (TS) Surveillance Requirement (SR) 3.1.4.1 utilizing Westinghouse Electric Company LLC's topical report WCAP–16011–NP–A, Revision 0, ''Startup Test Activity Reduction [STAR] Program,'' February 2005. The changes are consistent with NRC-approved Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF–486, Revision 2. The use of WCAP–16011–NP–A is justified by the licensee in WCAP–17787–NP, Revision 0, ''Palo Verde Nuclear Generating Station STAR Program Implementation Report,'' August 2013.

The amendments also modify SR 3.1.4.2 not to require the moderator temperature coefficient (MTC) determination if the result of the MTC determination required in TS 3.1.4.1 is within a certain tolerance of the corresponding design value. This change is based on the methods described in Combustion Engineering Owners Group Report CE NPSD–911–A and Amendment 1–A, ''Analysis of Moderator Temperature Coefficients in Support of a Change in the Technical Specifications End-of-Cycle Negative MTC Limits,'' September 2000.

Date of issuance: March 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: Unit 1–195; Unit 2–195; Unit 3–195. A publicly-available version is in ADAMS under Accession No. ML15070A124; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendment revised the Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: February 27, 2014 (79 FR 11146). The supplemental letters dated January 16 and December 19, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 30, 2015.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina, Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: November 14, 2013, as supplemented by letters dated June 27, and November 10, 2014.

Brief description of amendments: The amendments approve the use of DPC–3001–NE–P, Revision 1, ''Multidimensional Reactor Transients and Safety Analysis Physics Parameters Methodology.''

Date of issuance: March 25, 2015.

Effective date: This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 274, 270, 277, and 257. A publicly-available version of the application is in ADAMS under Accession No. ML15027A366; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–35, NPF–52, NPF–9, and NPF–17: Amendments revised the licenses.

Date of initial notice in *Federal Register:* February 27, 2014 (79 FR 11147). The supplemental letters dated June 27, and November 10, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 25, 2015.

No significant hazards consideration comments received: No.

Duke Energy Florida, Inc., et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: September 26, 2013, as supplemented by letters dated March 28, May 23, and October 6, 2014.

Brief description of amendment: The amendment revised the facility's emergency plan and emergency action level scheme to reflect the low likelihood of any credible accident at the facility in its permanently shutdown and defueled condition that could result in radiological releases requiring offsite protective measures.

Date of issuance: March 31, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 246. A publicly-available version is in ADAMS under Accession No. ML15027A209; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–72: Amendment revised the emergency plan and the emergency action levels.

Date of initial notice in Federal Register: January 7, 2014 (79 FR 857). The supplemental letters dated March 28, May 23, and October 6, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2015.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: March 24, 2014, as supplemented by letters dated May 8, August 28, November 6, and December 15, 2014.

Brief description of amendment: The amendment revised Technical Specification (TS) Table 3.3.1.1–1, ''Reactor Protection System Instrumentation,'' Functions 7.a and 7.b to update Scram Discharge Volume instrumentation nomenclature, add a surveillance requirement (SR), which was previously omitted, and add footnotes to an SR consistent with TS Task Force (TSTF) change traveler TSTF–493, Revision 4, ''Clarify Application of Setpoint Methodology for LSSS [Limiting Safety System Settings] Functions,'' Option A. The notice of availability of the models for plant-specific adoption of TSTF–493, Revision 4, was announced in the **Federal Register** on May 11, 2010 (75 FR 26294).

Date of issuance: March 27, 2015.

Effective date: As of its date of issuance and shall be implemented prior to restarting from refueling outage R–22, scheduled for spring 2015.

Amendment No.: 232. A publicly-available version is in ADAMS under Accession No. ML15063A010; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–21: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in Federal Register: July 22, 2014 (79 FR 42544). The supplemental letters dated August 28, November 6, and December 15, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 2015.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: June 25, 2014.

Brief description of amendment: The amendment revised the Columbia Generating Station Cyber Security Plan (CSP) Milestone 8 full implementation date as set forth in the CSP Implementation Schedule.

Date of issuance: March 27, 2015.

Effective date: As of its date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 231. A publicly-available version is in ADAMS under Accession No. ML15042A464; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–21: The amendment revised the Facility Operating License.

Date of initial notice in Federal Register: October 7, 2014 (79 FR 60518).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2 (ANO–2), Pope County, Arkansas

Date of application for amendment: March 26, 2013, as supplemented by letters dated December 12, 2013, and May 12, August 19, October 22, and December 5, 2014.

Brief description of amendment: The amendment revised the ANO–2 Technical Specification (TS) requirements for end states associated with the implementation of the NRC-approved Topical Report NPSD–1186, Revision 0, ''Technical Justification for the Risk Informed Modification to Selected Required Action End States for CEOG [Combustion Engineering Owners Group] Member PWRs [Pressurized-Water Reactors],'' as well as Required Actions revised by a specific Note in TS Task Force (TSTF) change traveler TSTF–422, Revision 2, ''Change in Technical Specifications End States (CE NPSD–1186).'' The Notice of Availability for TSTF–422, Revision 2, was announced in the **Federal Register** on April 7, 2011 (76 FR 19510).

Date of issuance: March 31, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 301. A publicly-available version is in ADAMS under Accession No. ML15068A319; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–6: Amendment revised the Technical Specifications/license.

Date of initial notice in Federal Register: July 23, 2013 (78 FR 44172). The supplemental letters dated December 12, 2013, and May 12, August 19, October 22, and December 5, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: June 10, 2013, as supplemented by

letters dated October 24, 2013, March 5, 2014, and February 4, 2015.

Brief description of amendments: The amendment revises the technical specifications (TSs), Surveillance Requirements 3.8.4.2 and 3.8.4.5 to add new acceptance criteria for total battery connection resistance.

Date of issuance: March 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 256 and 251. A publicly-available version is in ADAMS under Accession No. ML15056A772. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–29 and DPR–30: The amendments revised the TSs and License.

Date of initial notice in Federal Register: September 3, 2013 (78 FR 54283). The October 24, 2013, March 5, 2014, and February 4, 2015, supplements contained clarifying information and did not change the NRC staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 30, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station (OCNGS), Ocean County, New Jersey

Date of application for amendment: December 19, 2013, as supplemented by letters dated January 31, 2014, and November 3, 2014.

Brief description of amendment: The amendment revised Renewed Facility Operating License No. DPR–16 for OCNGS. Specifically, the changes implement the use of an *alternative measure* that required prior NRC review and approval pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 73.55(r), related to controlling vital area access for certain portions of the Reactor Building at OCNGS.

Date of Issuance: March 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 285. A publicly-available version is in ADAMS under Accession No. ML14329A625; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–16: The amendment revised the license and technical specifications.

Date of initial notice in Federal Register: May 6, 2014 (79 FR 25901). The supplemental letter dated November 3, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 30, 2015.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: October 8, 2014, as supplemented by a letter dated February 12, 2015.

Brief description of amendment: The amendment revised the technical specifications (TSs) safety limit minimum critical power ratio value for single recirculation-loop-operation to support the use of GNF–2 fuel during the next operating cycle.

Date of issuance: March 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 165. A publicly-available version is in ADAMS under Accession No. ML15075A091; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–58: This amendment revised the TSs and License.

Date of initial notice in Federal Register: February 13, 2015 (80 FR 5819). The February 12, 2015, supplement contained clarifying information and did not change the NRC staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 2015.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of amendment requests: March 7, 2014, as supplemented by letters dated September 30, 2014, December 16, 2014, January 15, 2015, and February 20, 2015.

Brief description of amendments: The amendments revised the Donald C. Cook Nuclear Plant, Units 1 and 2, Technical Specification 5.5.14, ''Containment Leakage Rate Testing Program,'' by adopting Nuclear Energy Institute (NEI) 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J'' (ADAMS Accession No. ML12221A202), and Section 4.1, ''Limitations and Conditions for NEI TR 94–01, Revision 2'' of the NRC Safety Evaluation Report in NEI 94–01, Revision 2–A, dated October 2008 (ADAMS Accession No. ML100620847), as the implementing document for the performance-based Option B of 10 CFR part 50, Appendix J.

Date of issuance: March 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 326 for Unit 1 and 309 for Unit 2. A publicly-available version is in ADAMS under Accession No. ML15072A264; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License Nos. DPR–58 and DPR–74: Amendments revise the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: May 27, 2014 (79 FR 30188). The supplemental letters dated September 30, 2014, December 16, 2014, January 15, 2015, and February 20, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 2015.

No significant hazards consideration comments received: No.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: September 24, 2014, as supplemented by letter dated December 11, 2014.

Description of amendment request: The amendment changes the Technical Specifications (TSs) and the Facility Operating License. The change deletes the Functional Unit ''Cold Leg Injection, P–15'' from TS 3.3.2, ''Engineered Safety Features Actuation System Instrumentation,'' and changes License Condition 2.K, ''Inadvertent Actuation of the Emergency Core Cooling System (ECCS).''

Date of issuance: March 31, 2015.

Effective date: As of its date of issuance, and shall be implemented within 30 days.

Amendment No.: 145. A publicly-available version is in ADAMS under Accession No. ML15002A251; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–86: Amendment revised the Facility Operating License and TSs.

Date of initial notice in Federal Register: January 6, 2015, (80 FR 525).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2015.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 7, 2014.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.1, Table 3–3, Item 3.c concerning containment wide range radiation monitors to correct a typographical error introduced in TS Amendment No. 152.

Date of issuance: March 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 281. A publicly-available version is in ADAMS under Accession No. ML15035A203; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–40: The amendment revised the license and Technical Specifications.

Date of initial notice in Federal Register: January 20, 2015 (80 FR 2751).

The Commission's related evaluation of the amendment is contained in a safety evaluation dated March 27, 2015.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: March 24, 2014.

Brief description of amendments: The amendments approved a change to revise Surveillance Requirements 4.2.1.3, 4.2.1.4, and 4.2.2.2.f associated with Power Distribution Limits Technical Specification (TS) 3/4.2.1, ''Axial Flux Difference (AFD),'' and TS 3/4.2.2, ''Heat Flux Hot Channel Factor—$F_Q(Z)$.''

Date of issuance: March 30, 2015.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment Nos.: 307 and 289. A publicly-available version is in ADAMS under Accession No. ML15063A293; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Technical Specifications and the License.

Date of initial notice in Federal Register: June 6, 2014 (79 FR 32770).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 30, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: August 5, 2014, revised by letter dated August 28, 2014, and supplemented by letter dated November 3, 2014 (Non-Public).

Description of amendment: The amendment revises the design of connections between reinforced concrete (RC) and steel plate concrete composite construction (SC) included in the VCSNS Units 2 and 3 updated Final Safety Analysis Report and changes to the Technical Report, ''APP–GW–GLR–602, AP1000 Shield Building Design Details for Select Wall and RC/SC Connections,'' (prepared by Westinghouse Electric Company and reviewed by the U.S. Nuclear Regulatory Commission as part of the design certification rule).

Date of issuance: December 16, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 21. A publicly-available version is in ADAMS under Accession No. ML14339A717; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register**:* September 30, 2014 (79 FR 58824). The supplemental letter dated November 3, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated December 16, 2014.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: June 20, 2014, and supplemented by letter dated August 6, 2014.

Description of amendment: The amendment revises the Updated Final Safety Analysis Report in regard to Tier 2 and Tier 2* information related to fire area boundaries. These changes include: adding of three new fire zones in the middle annulus to provide fire barrier enclosures for the Class 1E Electrical Divisions B, C, and D containment penetrations; and eliminating the Class 1E Electrical Division A enclosure and making the Division A containment penetration assemblies part of the existing middle annulus fire zone.

Date of issuance: December 30, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 22. A publicly-available version is in ADAMS under Accession No. ML14328A233; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register**:* October 28, 2014 (79 FR 64228).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated December 30, 2014.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: December 6, 2013, as supplemented by letters dated September 2 and December 11, 2014, and February 3, 2015.

Brief description of amendment: The amendment changed the licensing basis as described in the Final Safety Analysis Report (FSAR)-Standard Plant Section 3.6.2.1.2.4, ''ASME [American Society of Mechanical Engineers] Section III and Non-Nuclear Piping-Moderate-Energy,'' and FSAR-Standard Plant Table 3.6–2,

''Design Comparison to Regulatory Positions of Regulatory Guide 1.46, Revision 0, dated May 1973, titled 'Protection Against Pipe Whip Inside Containment,' '' in particular regard to the high-density polyethylene (HDPE) piping installed in ASME Class 3 line segments of the essential service water system. Also, new Reference 25 is added to FSAR-Standard Plant Section 3.6.3 to cite the NRC-approved version of the HDPE requirements covered by Relief Request I3R–10 dated October 31, 2008.

Date of issuance: March 31, 2015.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 211. A publicly-available version is in ADAMS under Accession No. ML15064A028; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–30: The amendment revised the Operating License.

Date of initial notice in ***Federal Register****:* March 18, 2014 (79 FR 15150). The supplements dated September 2 and December 11, 2014, and February 3, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 6th day of April 2015.

For the Nuclear Regulatory Commission.

A. Louise Lund,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–08579 Filed 4–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric & Gas Company; Tier 1 Editorial and Consistency Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 23 to Combined Licenses (COL), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric & Gas Company (SCE&G), and South Carolina Public Service Authority (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina.

The granting of the exemption allows the changes to Tier 1 information requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by the letter dated May 20, 2014 (ADAMS Accession No. ML14140A637). The licensee supplemented this request by letter dated June 3, 2014 (ADAMS Accession No. ML14155A257).
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ruth Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3249; email: *Ruth.Reyes@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from the provisions of Paragraph B of Section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 23 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought changes to COL Appendix C and corresponding plant-specific Tier 1 information to correct editorial errors and/or consistency errors (*e.g.,* inconsistencies between Updated Final Safety Analysis Report (UFSAR) (Tier 2) and Tier 1 information, and inconsistencies between information from different locations within Tier 1).

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and 52.63(b)(1). The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML14345B029.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). These documents can be found in ADAMS under Accession Nos. ML14352A155 and ML14352A164, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this

document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML14351A419 and ML14351A424, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS, Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated May 20, 2014, and supplemented by the letters dated June 3, November 6, and November 14, 2014, South Carolina Electric & Gas Company (licensee) requested from the Nuclear Regulatory Commission (Commission) an exemption to allow departures from Tier 1 information in the certified Design Control Document (DCD) incorporated by reference in 10 CFR part 52, appendix D, ''Design Certification Rule for the AP1000 Design,'' as part of license amendment request (LAR) 13–42, ''Tier 1 Editorial and Consistency Changes.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML14345B029, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 Figures 2.2.4–1, 3.3–1 through 10, 3.3–11A, 3.3–11B, and 3.3–12 through 14; Tables 2.2.2–3, 2.2.3–4, 2.2.3–6, 2.2.4–1, 2.2.4–4, 2.2.5–5, 2.3.2–2, 2.3.6–1, 2.3.6–4, 2.3.10–1, 2.3.10–4, 2.3.14–2, 2.6.3–3, 2.6.3–4, 3.3–1, 3.3–6, 2.1.3–4, 2.5.1–2 and 3.7–2; and Sections 2.6.3 and 3.3, as described in the licensee's request dated May 20, 2014, and supplemented on June 3, November 6, and November 14, 2014. This exemption is related to, and necessary for the granting of License Amendment No. 23, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession Number ML14345B029), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

The request for the amendment and exemption was submitted by the letter dated May 20, 2014. The licensee supplemented this request by letter dated June 3, 2014. The proposed amendment is described in Section I, above.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on September 2, 2014 (79 FR 52059). The June 3, 2014 supplement had no effect on the no significant hazards consideration determination, and no comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on May 20, 2014, and supplemented by letter dated June 3, 2014. The exemption and amendment were issued on March 10, 2015, as part of a combined package to the licensee (ADAMS Accession No. ML14345B023).

Dated at Rockville, Maryland, this 7th day of April 2015.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Acting Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–08563 Filed 4–13–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74681; File No. SR–CBOE–2015–023]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Options on the MSCI EAFE Index and on the MSCI Emerging Markets Index

April 8, 2015.

I. Introduction

On February 26, 2015, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on the MSCI EAFE Index and the MSCI Emerging Markets (''EM'') Index. The proposed rule change was published for comment in the **Federal Register** on March 10, 2015.[3] On March 24, 2015, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comments on the proposed rule change. This order grants approval of the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade P.M. cash-settled, European-style

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74430 (March 4, 2015), 80 FR 12675 (''Notice'').

[4] Amendment No. 1 corrects the customer portfolio margin description in the Exhibit 3 to conform it to Exchange Rule 12.4. As the stated in the Notice, the MSCI EAFE and MSCI EM Index options would be subject to the same rules that currently govern other CBOE index options, including margin requirements. Amendment No. 1 is not subject to notice and comment because it is technical in nature and does not materially alter the substance of the proposed rule change or raise any novel regulatory issues.

options on the MSCI EAFE Index and the MSCI EM Index.[5] According to the Exchange, the MSCI EAFE Index is a free floated-adjusted market capitalization index that is designed to measure the equity market performance of developed markets, excluding the U.S. and Canada. The MSCI EAFE Index consists of 21 developed market country indexes and has over 900 constituents. According to the Exchange, the MSCI EM Index is a free float-adjusted market capitalization index that is designed to measure the equity market performance of emerging markets. The MSCI EM Index consists of 23 emerging market country indexes and has over 800 constituents.[6] The Exchange states that the indexes are monitored and maintained by MSCI Inc. (''MSCI'').[7] Adjustments to the indexes are made on a daily basis, and MSCI reviews the indexes quarterly.

According to the Exchange, both the MSCI EAFE Index and the MSCI EM Index are calculated in U.S. dollars on a real-time basis from the open of the first market on which the components are traded to the closing of the last market on which the components are traded. The methodologies used to calculate the MSCI EAFE Index and the MSCI EM Index are similar to the methodology used to calculate the value of other benchmark market-capitalization weighted indexes.[8] Real-time data is distributed approximately every 15 seconds while the indexes are being calculated using MSCI's real-time calculation engine to Bloomberg L.P. (''Bloomberg''), FactSet Research Systems, Inc. (''FactSet''), and Thomson Reuters (''Reuters''). End of day data is distributed daily to clients through MSCI as well as through major quotation vendors, including Bloomberg, FactSet, and Reuters.

The Exchange proposes that trading hours for MSCI EAFE Index options would be from 8:30 a.m. (Chicago Time) to 3:15 p.m. (Chicago Time), except that trading in expiring MSCI EAFE Index options would end at 10:00 a.m. (Chicago Time) on their expiration date. Trading hours for MSCI EM Index options would be from 8:30 a.m. (Chicago Time) to 3:15 p.m. (Chicago Time).

The Exchange proposes that MSCI EAFE and MSCI EM Index options would expire on the third Friday of the expiration month.[9] The exercise settlement value would be the official closing values of the MSCI EAFE Index and the MSCI EM Index as reported by MSCI on the last trading day of the expiring contract. The exercise settlement amount would be equal to the difference between the exercise-settlement value and the exercise price of the option, multiplied by the contract multiplier ($100).[10] Exercise would result in delivery of cash on the business day following expiration.

The Exchange proposes to create specific initial and maintenance listing criteria for options on the MSCI EAFE Index and the MSCI EM Index. Specifically, the Exchange proposes to add new Interpretation and Policy .01(a) to Rule 24.2 to provide that the Exchange may trade MSCI EAFE and MSCI EM Index options if each of the following conditions is satisfied: (1) The index is broad-based, as defined in Exchange Rule 24.1(i)(1); (2) options on the index are designated as P.M.-settled index options; (3) the index is capitalization-weighted, price-weighted, modified capitalization-weighted, or equal dollar-weighted; (4) the index consists of 500 or more component securities; (5) all of the component securities of the index will have a market capitalization of greater than $100 million; (6) no single component security accounts for more than fifteen percent (15%) of the weight of the index, and the five highest weighted component securities in the index do not, in the aggregate, account for more than fifty percent (50%) of the weight of the index; (7) non-U.S. component securities (stocks or ADRs) that are not subject to comprehensive surveillance agreements do not, in the aggregate, represent more than: (i) Twenty percent (20%) of the weight of the MSCI EAFE Index, and (ii) twenty-two and a half percent (22.5%) of the weight of the MSCI EM Index; (8) during the time options on the index are traded on the Exchange, the current index value is widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors; however, the Exchange may continue to trade MSCI EAFE Index options after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that EAFE futures contracts are trading and prices for those contracts may be used as a proxy for the current index value; (9) the Exchange reasonably believes it has adequate system capacity to support the trading of options on the index, based on a calculation of the Exchange's current Independent System Capacity Advisor (ISCA) allocation and the number of new messages per second expected to be generated by options on such index; and (10) the Exchange has written surveillance procedures in place with respect to surveillance of trading of options on the index.

Additionally, the Exchange proposes to add new Interpretation and Policy .01(b) to Rule 24.2 to set forth the following maintenance listing standards for options on the MSCI EAFE Index and the MSCI EM Index: (1) The conditions set forth in subparagraphs .01(a)(1), (2), (3), (4), (7), (8), (9), and (10) must continue to be satisfied, the conditions set forth in subparagraphs .01(a)(5) and (6) must be satisfied only as of the first day of January and July in each year; and (2) the total number of component securities in the index may not increase or decrease by more than thirty-five percent (35%) from the number of component securities in the index at the time of its initial listing. In the event a class of index options listed on the Exchange pursuant to Interpretation and Policy .01(a) fails to satisfy these maintenance listing standards, the Exchange shall not open for trading any additional series of options of that class unless the continued listing of that class of index options has been approved by the Commission under Section 19(b)(2) of the Act.

The contract multiplier for the MSCI EAFE and MSCI EM Index options would be $100. The Exchange proposes that the minimum tick size for series

[5] The Exchange proposes to list up to twelve near-term expiration months for the MSCI EAFE and MSCI EM Index options. The Exchange also proposes to list LEAPS on the MSCI EAFE Index and the MSCI EM Index. The exchange proposes that options on the MSCI EAFE Index and the MSCI EM Index would be eligible for all other expirations permitted for other broad-based indexes (*e.g.,* End of Week/End of Month Expirations, Short Term Option Series, and Quarterly Options Series). In addition, the Exchange proposes to designate the MSCI EAFE Index and the MSCI EM Index as eligible for trading as FLEX options.

[6] The Exchange states that the MSCI EAFE Index and the MSCI EM Index each meet the definition of a broad-based index as set forth in Exchange Rule 24.1(i)(1).

[7] The Exchange proposes to designate MSCI as the reporting authority for the MSCI EAFE Index and the MSCI EM Index.

[8] Specifically, the indexes are based on the MSCI Global Investable Market Indexes Methodology. Further detail regarding this methodology can be found in the Notice, *supra* note 3, at notes 5 and 9 and accompanying text.

[9] According to the Exchange, when the last trading day/expiration date is moved because of an Exchange holiday or closure, the last trading day/expiration date for expiring options would be the immediately preceding business day.

[10] According to the Exchange, if the exercise settlement value is not available or the normal settlement procedure cannot be utilized due to a trading disruption or other unusual circumstance, the settlement value would be determined in accordance with the rules and bylaws of the Options Clearing Corporation.

trading below $3 would be 0.05 ($5.00), and above $3 would be 0.10 ($10.00). The Exchange also proposes that the strike price interval for MSCI EAFE and MSCI EM Index options would be no less than $5, except that the strike price interval would be no less than $2.50 if the strike price is less than $200.

The Exchange proposes to apply the default position limits for broad-based index options of 25,000 contracts on the same side of the market (and 15,000 contracts near-term limit) to MSCI EAFE and MSCI EM Index options. All position limit hedge exemptions would apply. The exercise limits for MSCI EAFE and MSCI EM Index options would be equivalent to the position limits for those options. In addition, the Exchange proposes that the position limits for FLEX options on the MSCI EAFE Index and the MSCI EM Index would be equal to the position limits for non-FLEX options on the MSCI EAFE Index and the MSCI EM Index. The exercise limits for FLEX options on the MSCI EAFE Index and the MSCI EM Index would be equivalent to the position limits for those options.

The Exchange states that, except as modified by the proposal, Exchange Rules in Chapters I through XIX, XXIV, XXIVA, and XXIVB would equally apply to MSCI EAFE and MSCI EM Index options. The Exchange also states that MSCI EAFE and MSCI EM Index options would be subject to the same rules that currently govern other CBOE index options, including sales practice rules, margin requirements,[11] and trading rules.[12]

The Exchange represents that it has an adequate surveillance program in place for MSCI EAFE and MSCI EM Index options and intends to use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in the proposed options. The Exchange also states that it is a member of the Intermarket Surveillance Group, is an affiliate member of the International Organization of Securities Commissions, and has entered into various comprehensive surveillance agreements and/or Memoranda of Understanding with various stock exchanges. Finally, the Exchange represents that it believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the listing of new series that would result from the introduction of MSCI EAFE and MSCI EM Index options.

III. Discussion and Commission Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[13] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[14] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission believes that the listing and trading of MSCI EAFE Index options will broaden trading and hedging opportunities for investors by providing an options instrument based on an index designed to measure the equity market performance of developed markets (excluding the U.S. and Canada). Similarly, the Commission believes that the listing and trading of MSCI EM Index options will broaden trading and hedging opportunities for investors by providing an options instrument based on an index designed to measure the equity market performance of emerging markets. Moreover, the Exchange states that the iShares MSCI EAFE exchange traded fund (''EFA'') is an actively-traded product and that it lists actively-traded options overlying EFA. The Exchange likewise states that the iShares MSCI Emerging Markets exchange traded fund (''EEM'') is an actively-traded product and that it lists actively-traded options overlying EEM.

Because the MSCI EAFE Index and the MSCI EM Index are broad-based indexes composed of actively-traded, well-capitalized stocks, the trading of options on these indexes does not raise unique regulatory concerns. The Commission believes that the listing standards, which are created specifically and exclusively for these indexes, are consistent with the Act, for the reasons discussed below.[15]

The Commission notes that proposed Interpretation and Policy .01 to Exchange Rule 24.2 would require that the MSCI EAFE Index and the MSCI EM Index each consist of 500 or more component securities. Further, for options on the MSCI EAFE Index and the MSCI EM Index to trade, each of the minimum of 500 component securities would need to have a market capitalization of greater than $100 million. The Commission notes that, according to the Exchange, the MSCI EAFE Index has more than 900 components and the MSCI EM Index has more than 800 components, all of which must meet the market capitalization requirement to permit options on these indexes to begin trading.

The Commission notes that the proposed listing standards for options on the MSCI EAFE Index and the MSCI EM Index would not permit any single component security to account for more than 15% of the weight of the index, and would not permit the five highest weighted component securities to account for more than 50% of the weight of the index in the aggregate. The Commission believes that, in view of the requirement on the number of securities in each index, the number of countries represented in each index, and the market capitalization, this concentration standard is consistent with the Act. Further, the Exchange states that no single component accounts for more than 5% of either index. As noted above, the Exchange represents that it has an adequate surveillance program in place for MSCI EAFE and MSCI EM Index options and intends to use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in the proposed options.

The Commission notes that, consistent with the Exchange's generic listing standards for broad-based index options, non-U.S. component securities

[11] The Exchange states that MSCI EAFE and MSCI EM Index options would be margined as broad-based index options.

[12] *See, e.g.,* Exchange Rule Chapters IX (Doing Business with the Public), XII (Margins), IV (Business Conduct), VI (Doing Business on the Trading Floor), VIII (Market-Makers, Trading Crowds and Modified Trading Systems), and XXIV (Index Options).

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] The Commission notes that it previously approved the listing and trading of options on the MSCI EAFE Index and the MSCI EM Index on NASDAQ OMX PHLX LLC (''Phlx''). *See* Securities Exchange Act Release Nos. 66420 (February 17, 2012), 77 FR 11177 (February 24, 2012) (SR–Phlx–2011–179) (order approving the listing of MSCI EM Index options on Phlx) and 66861 (April 26, 2012), 77 FR 26056 (May 2, 2012) (SR–Phlx–2012–28) (order approving the listing of MSCI EAFE Index options on Phlx). *See also* Securities Exchange Act Release No. 67071 (May 29, 2012), 77 FR 33013 (June 4, 2012) (SR–Phlx–2012–67) (notice of filing and immediate effectiveness of proposed rule change to amend the trading hours for MSCI EAFE Index options). The Exchange states that its proposal is substantially similar to the Phlx proposals that were approved by the Commission.

of the MSCI EAFE Index that are not subject to comprehensive surveillance agreements will not, in the aggregate, represent more than 20% of the weight of the index. With respect to the MSCI EM Index, non-U.S. component securities that are not subject to comprehensive surveillance agreements must not, in the aggregate, represent more than 22.5% of the weight of the index.

The proposed listing standards require that, during the time options on the MSCI EAFE Index and the MSCI EM Index are traded on the Exchange, the current index value is widely disseminated at least once every 15 seconds by one or more major market data vendors. However, the Exchange may continue to trade MSCI EAFE Index options after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every 15 seconds by one or more major market data vendors, provided that EAFE futures contracts are trading and prices for those contracts may be used as a proxy for the current index value.[16]

In addition, the proposed listing standards require the Exchange to reasonably believe that it has adequate system capacity to support the trading of options on the MSCI EAFE Index and the MSCI EM Index. As noted above, the Exchange represents that it believes it and the OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series that would result from the introduction of MSCI EAFE and MSCI EM Index options.

As a national securities exchange, the Exchange is required, under Section 6(b)(1) of the Act,[17] to enforce compliance by its members, and persons associated with its members, with the provisions of the Act, Commission rules and regulations thereunder, and its own rules. As noted above, the Exchange states that, except as modified by the proposal, Exchange Rules in Chapters I through XIX, XXIV, XXIVA, and XXIVB would equally apply to MSCI EAFE and MSCI EM Index options. The Exchange also states that MSCI EAFE and MSCI EM Index options would be subject to the same rules that currently govern other CBOE index options, including sales practice rules, margin requirements, and trading rules.

The Commission further believes that the Exchange's proposed position and exercise limits, trading hours, margin, strike price intervals, minimum tick size, series openings, and other aspects of the proposed rule change are appropriate and consistent with the Act.

IV. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[18] for approving the proposed rule change, as modified by Amendment No. 1, prior to the 30th day after the date of publication of notice in the **Federal Register**. As noted above, the Commission previously approved the listing and trading of options on the MSCI EAFE Index and the MSCI EM Index on another exchange,[19] and the current proposal is substantially similar to the rules that were approved by the Commission. The prior proposals and the current proposal were each subject to a full 21-day comment period and no comments were received on any of the proposals.

The Exchange requested that the Commission accelerate approval of the proposal. The Exchange believes that accelerated approval by the Commission would enable these options to be brought to market sooner, which would broaden trading and hedging opportunities for investors by creating new options on indexes that are demonstrably popular.

The Commission finds that good cause exists to approve the proposal, as modified by Amendment No. 1, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[20] that the proposed rule change (SR–CBOE–2015–023), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08453 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[16] The Exchange notes that, because trading in the components of the MSCI EAFE Index ends at approximately 11:30 a.m. (Chicago Time), there will not be a current MSCI EAFE Index level calculated and disseminated during a portion of the time when MSCI EAFE Index options would be traded (from approximately 11:30 a.m. (Chicago Time) to 3:15 p.m. (Chicago Time)). However, the Exchange states that EAFE futures contracts will be trading during this time period and that the futures prices would be a proxy for the current MSCI EAFE Index level during this time period. The Exchange states that MSCI EAFE Mini Index futures contracts are listed for trading on the Intercontinental Exchange, Inc. (''ICE'') and other derivatives contracts on the MSCI EAFE Index are listed for trading in Europe. Similarly, the Exchange states that MSCI Emerging Markets Mini Index futures contracts are listed for trading on ICE and other derivatives contracts on the MSCI EM Index are listed for trading in Europe.

[17] 15 U.S.C. 78f(b)(1).

[18] 15 U.S.C. 78s(b)(2).

[19] *See supra* note 15.

[20] 15 U.S.C. 78s(b)(2).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74680; File No. SR–NASDAQ–2015–029]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ Rule 7051 Fees Relating to Pricing for Direct Circuit Connections

April 8, 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 March 26, 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 Substance of the Proposed Rule Change

NASDAQ is proposing to amend Rule 7051 to increase installation and monthly fees assessed for Direct Circuit Connection to NASDAQ, and to waive certain installation fees thereunder for a limited time. The exchange will implement the proposed changes on April 1, 2015.

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com* at NASDAQ's principal office, 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, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Rule 7051 entitled ''Direct Connectivity to Nasdaq'' to increase the installation and monthly fees assessed for 1Gb and 10Gb connectivity to the Exchange. Direct connectivity offers market participants one of several means by which they may connect to NASDAQ.[3] Currently, the Exchange offers a 10Gb circuit connection, a 1Gb circuit connection, and a 1Gb Ultra connection, all of which provide connectivity to the NASDAQ System.[4] The offerings are differentiated by the total capacity of the fiber connection (represented in Gigabytes or ''Gb'') and the type of switch used. A switch is a type of network hardware that acts as the ''gatekeeper'' for all clients' orders sent to the System [5] and orders them in sequence for entry into the System for execution. The 1Gb ''Ultra'' fiber connection offering uses lower latency [6] switches than the 1Gb fiber connection offering.[7]

The Exchange assesses separate installation and ongoing monthly fees for subscription to each option. For 1Gb connectivity, the Exchange assesses an installation fee of $1,000 and ongoing monthly fees of $1,000. For 10Gb connectivity, the Exchange charges an installation fee of $1,000 and ongoing monthly fees of $5,000. For 1Gb Ultra, the Exchange charges an installation fee of $1,500 and ongoing monthly fees of $1,500. The Exchange adopted 10Gb and 1Gb offering and related fees in August 2010, and has not increase [sic] fees for these offerings since.[8] The Exchange adopted 1Gb Ultra in August 2014, and has not increased fees for the offering since.[9]

In light of increased costs in offering these fiber connectivity options, and declining subscribership to 1Gb connectivity, the Exchange is proposing to increase the fees assessed for all three of the offerings. In terms of installation fees, the Exchange is proposing to harmonize the cost of installation by increasing the installation fees assessed for 10Gb and 1Gb connectivity from $1,000 to $1,500, which is the fee currently assessed for installation of 1Gb Ultra connectivity. The Exchange is proposing to waive the installation fees for the months of April through July, 2015, for all three connectivity options. As such, both new subscriptions and customers transferring from one connectivity option to another during that time will not be assessed the installation fee. The Exchange notes that this will allow customers to move from one offering to another, or to move the location of their connectivity from one direct connectivity access point to another, with no penalty in the form of an installation fee.

The Exchange is also proposing to increase the ongoing monthly fees for each connectivity option. Specifically, the Exchange is proposing to increase the ongoing monthly fees for 10Gb connectivity from $5,000 to $7,500. The Exchange is proposing to increase the ongoing monthly fee for 1Gb connectivity from $1,000 to $2,500. Lastly, the Exchange is proposing to increase the ongoing monthly fee for 1Gb Ultra from $1,500 to $2,500.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[11] 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 NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed increased fees are reasonable because they allow the Exchange to realign the fees assessed for the service with the costs incurred by NASDAQ in offering the service, which have increased since the offerings were first adopted. Specifically, NASDAQ has incurred increases in the cost of labor and networks in the installation and maintenance of equipment. The Exchange notes that the 1Gb and 10Gb infrastructures have been upgraded over the last 5 years with improvements in network performance along with a continued increase in bandwidth capacity constraints due to market data feeds growing. Consequently, this has resulted in higher networking costs that NASDAQ is now proposing to pass on through connectivity fees. In terms of labor, installation effort and costs have increased, which include NASDAQ data center operations and network engineering teams in multiple locations, data center vendor costs, and optical equipment that needs to be purchased, installed and maintained. The Exchange notes that it is not increasing the charge for installation of 1Gb Ultra connectivity because the fee implemented in 2014 already incorporated these elevated costs and continues to cover the installation costs.

The Exchange also believes that the proposed increases in the ongoing monthly fees for all three connectivity options are reasonable. The Exchange notes that it is increasing the ongoing monthly fees for each of the connectivity options in light of the higher networking and labor costs NASDAQ incurs in supporting the services. In addition, the Exchange has lost subscribers to the 1Gb connectivity option, which has resulted in fewer subscribers over which to spread the fixed costs of the service. As a consequence, the Exchange believes that it is reasonable to increase the monthly charge more than it is increasing the monthly charge for the 1Gb Ultra connectivity offering, which will result in the same monthly charge for both 1Gb and 1Gb Ultra connectivity offerings but will allow NASDAQ to compensate for the lower subscribership of the 1Gb connectivity option. The Exchange notes that the fees are similar to the fees NASDAQ charges member firms for co-location connectivity.[12] Lastly, the proposed fees are comparable to the fees charged for similar connectivity by other exchanges. For example, the International Securities Exchange LLC (''ISE'') offers four connectivity options that provide access to its two markets. ISE charges the following monthly fees for connectivity: $750 for its 1Gb option, $4,000 for its 10Gb option, $7,000 for its 10Gb low latency option, and $12,500 for its 40Gb

[3] Market participants may also connect to NASDAQ through the colocation facility or third parties. Direct connectivity is offered through data centers in Carteret, NJ, Secaucus, NJ, Ashburn, VA, and Chicago, IL.

[4] *See* Securities Exchange Act Release No. 62663 (August 9, 2010), 75 FR 49543 (August 13, 2010) (SR–NASDAQ–2010–077).

[5] As defined in Rule 4751(a).

[6] The term ''latency'' for the purposes of this rule filing means a measure of the time it takes for an order to enter into a switch and then exit for entry into the System.

[7] Each of NASDAQ's connection offerings use [sic] different switches, but the switches are of uniform type within each offering (*i.e.,* all 1G connectivity options currently use the same switches). As a consequence, all client subscribers to a particular connectivity option receive the same latency in terms of the capabilities of their switches.

[8] *Supra* note 4.

[9] *See* Securities Exchange Act Release No. 72811 (August 11, 2014), 79 FR 48262 (August 15, 2014) (SR–NASDAQ–2014–079).

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* Rule 7034(b).

low latency option. The Exchange notes that its connectivity options provide access to three exchanges (NASDAQ, NASDAQ OMX BX and NASDAQ OMX PHLX), which is reflected in the premium above the comparable ISE connectivity.[13]

The Exchange believes that the fees for these services are equitably allocated consistent with Section 6(b)(4) of the Act and are non-discriminatory consistent with Section 6(b)(5) of the Act in that all direct connect clients are offered the same service and there is no differentiation among them with regard to the fees charged for such services. In particular, the proposed fees are equitably allocated because all member firms that subscribe to a particular connectivity option under the rule will be assessed the same fee. The proposed installation fees are [sic] and are not unfairly discriminatory because the Exchange is increasing the fees for each service in amounts that are reflective of the increased costs associated with offering each of the connectivity options, and are in amounts representative of the value provided to their subscribers. The proposed waiver of the installation fees is both equitable and not unfairly discriminatory because it will allow all subscribers the option to subscribe to another connectivity offering, to the extent the proposed connectivity fees of their existing connections are deemed too high in relationship to the benefit received. With regard to the ongoing monthly fee increases, the 10Gb connectivity option provides the fastest connectivity option with the greatest capacity and also represents the greatest cost to NASDAQ in offering it among the three options. Accordingly, NASDAQ is increasing the fee the most to users that receive the greatest benefit. As noted above, NASDAQ is increasing the 1Gb ongoing monthly fees more than the 1Gb Ultra connectivity option, which provides the same capacity but lower latency than the 1Gb option. The Exchange believes that the proposed increase in the 1Gb connectivity option monthly fee is both an equitable allocation of a fee and not unfairly discriminatory because lower subscribership to the option has resulted in fewer subscribers to bear the increased costs of offering the service.

The Exchange notes that should a particular exchange charges [sic] excessive fees for direct connectivity services affected members will opt to terminate their direct connectivity arrangements with that exchange, and pursue a range of alternative trading strategies not dependent upon the exchange's direct connectivity services. Accordingly, the exchange charging excessive fees would stand to lose not only direct connectivity revenues, but also any other revenues associated with the customer's operations. Moreover, all of the Exchange's fees for these services are equitably allocated consistent with Section 6(b)(4) of the Act and consistent with Section 6(b)(5) of the Act are non-discriminatory in that all direct connect clients are offered the same service and there is no differentiation among them with regard to the fees charged for such services.

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.[14] As discussed above, the Exchange believes that the proposed fees for direct connectivity services are comparable to the fees charged for the same service provided to other exchanges' customers. Additionally, such costs are constrained by the robust competition for order flow among exchanges and non-exchange markets, because direct connectivity exists to advance that competition, and excessive fees for direct connectivity services would serve to impair an exchange's ability to compete for order flow. Therefore, the Exchange believes that the proposed rule change enhances, rather than burdens, competition.

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.[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: (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
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2015–029 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–029. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–029 and should be submitted on or before May 5, 2015.

[13] *See* ISE Fee Schedule, Section IV.B. available at *http://www.ise.com/fees*.

[14] 15 U.S.C. 78f(b)(8).

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08452 Filed 4–13–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74675; File No. SR–NYSEArca–2015–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change To List and Trade Shares of WisdomTree Put Write Strategy Fund Under Commentary .01 to NYSE Arca Equities Rule 5.2(j)(3)

April 8, 2015.

I. Introduction

On February 3, 2015, NYSE Arca, Inc. (''NYSEArca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b-4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the WisdomTree Put Write Strategy Fund (''Fund''). The proposed rule change was published for comment in the **Federal Register** on February 24, 2015.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of Proposed Rule Change

A. In General

The Exchange proposes to list and trade the Shares under Commentary .01 to NYSE Arca Equities Rule 5.2(j)(3), which governs the listing and trading of Investment Company Units (''Units'') on the Exchange.[4] The Exchange may generically list Units that meet all of the requirements of Commentary .01. The Exchange represents that the Fund and the Index meet all of the requirements of the listing standards for Units in Rule 5.2(j)(3) and the requirements of Commentary .01, except the requirements in Commentary .01(a)(A)(1)–(5), which set forth requirements for components of an index or portfolio of US Component Stocks.[5] As discussed in the Notice, the index underlying the Fund will consist primarily of S&P 500 Index put options (''SPX Puts''), which are not US Component Stocks,[6] and therefore the index does not satisfy the requirements of Commentary .01(a)(A)(1)–(5).

The Shares will be offered by the WisdomTree Trust (''Trust''),[7] a registered investment company. WisdomTree Asset Management, Inc. will be the investment adviser (''Adviser'') to the Fund.[8] The Exchange represents that the Adviser is not registered as, or affiliated with, a broker-dealer. Mellon Capital Management will serve as sub-adviser for the Fund (''Sub-Adviser'').[9] State Street Bank and Trust Company will be the administrator, custodian and transfer agent for the Trust. Foreside Fund Services, LLC will serve as the distributor for the Fund (''Distributor'').

The Fund is an index-based exchange traded fund (''ETF'') that will seek investment results that before fees and expenses, closely correspond to the price and yield performance of the CBOE S&P 500 Put Write Index (''Index''). The Index was developed and is maintained by the Chicago Board Options Exchange, Inc. (''CBOE'' or the ''Index Provider''). Neither the Trust, the Adviser, the Sub-Adviser, State Street Bank and Trust Company, nor the Distributor is affiliated with the Index Provider.[10]

B. The Exchange's Description of the Fund

The Exchange has made the following representations and statements in describing the Fund and its investment strategies, including other portfolio holdings and investment restrictions.[11]

1. Principal Investments of the Fund

The Fund will seek investment results that, before fees and expenses, closely correspond to the price and yield performance of the Index. The Index tracks the value of a passive investment strategy, which consists of overlaying ''SPX Puts'' over a money market account invested in one and three-month Treasury bills (''PUT Strategy'').[12]

The Fund will invest at least 80% of its assets in SPX Puts and short-term U.S. Treasury securities.[13] The Fund's investment strategy will be designed to sell a sequence of one-month, at-the-money, SPX Puts and to invest cash at

[16] 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. 74290 (Feb. 18, 2015), 80 FR 9818 (''Notice'').

[4] NYSE Arca Equities Rule 5.2(j)(3)(A) provides that an Investment Company Unit is a security that represents an interest in a registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities (or holds securities in another registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities).

[5] NYSE Arca Equities Rule 5.2(j)(3) defines the term ''US Component Stock'' as an equity security that is registered under Sections 12(b) or 12(g) of the Act and an American Depositary receipt, the underlying equity securities of which is registered under Sections 12(b) or 12(g) of the Act.

[6] NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(A)(5) provides that all securities in the applicable index or portfolio shall be US Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 under Regulation NMS of the Act. Each component stock of the S&P 500 Index is a US Component Stock that is listed on a national securities exchange and is an NMS Stock. *See* Notice, *supra* note 3, 80 FR at 9820, n.13. Options are excluded from the definition of NMS Stock. The S&P 500 Index consists of US Component Stocks and satisfies the requirements of Commentary .01(a)(A)(1)-(5). *See id.*

[7] The Trust is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act''). According to the Exchange, on December 15, 2014, the Trust filed with the Commission an amendment to its registration statement on Form N–1A relating to the Fund (File Nos. 333–132380 and 811–21864) (''Registration Statement''). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 28171 (October 27, 2008) (File No. 812–13458).

[8] WisdomTree Investments, Inc. is the parent company of WisdomTree Asset Management.

[9] The Exchange further represents that the Sub-Adviser is affiliated with multiple broker-dealers and has implemented a ''fire wall'' with respect to such broker-dealers and their personnel regarding access to information concerning the composition and/or changes to the Index. In addition, according to the Exchange, in the event (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with, a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with, a broker-dealer, the Adviser or any new adviser or Sub-Adviser or new sub-adviser, as applicable, will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition of and changes to the Fund's portfolio, and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolio.

[10] *See* Notice, *supra* note 3, 80 FR at 9819.

[11] Additional information regarding the Trust, the Fund, and the Shares, including investment strategies, risks, net asset value (''NAV'') calculation, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. *See* Notice, *supra* note 3 and Registration Statement, *supra* note 7.

[12] The put-write strategy of selling cash-secured SPX Puts has the potential to appeal to investors who wish to add income and attempt to boost risk-adjusted returns, in return for risking under-performance during bull markets. An investor who engages in a cash-secured (*i.e.,* collateralized) put sales strategy sells (or ''writes'') a put option contract and at the same time deposits the full cash amount necessary for a possible purchase of underlying shares in the investor's brokerage account. Additional information on the methodology used to calculate the Index can be found at: *http://www.cboe.com/micro/put/PutWriteMethodology.pdf.*

[13] The Treasury securities in which the Fund may invest will include variable rate Treasury securities, whose rates are adjusted daily (or at such other increment as may later be determined by the Department of the Treasury) to correspond with the rate paid on one-month or three-month Treasury securities, as applicable.

one and three-month Treasury bill rates. The number of SPX Puts sold will vary from month to month, but will be limited to permit the amount held in the Fund's investment in Treasury bills to finance the maximum possible loss from final settlement of the SPX Puts.

The SPX Puts will be struck at-the-money and will be sold on a monthly basis on the Roll Date, (*i.e.,* the same Roll Date as that used by the Index), which matches the expiration date of the SPX Put options. At each Roll Date, any settlement loss from the expiring SPX Puts will be financed by the Fund's Treasury bill investments and a new batch of at-the-money SPX Puts will be sold. The revenue from their sale will be added to the Treasury bill account. In March quarterly cycle months, the three-month Treasury bills will be deemed to mature, and so the total cash available will be reinvested at the three-month Treasury bill rate. In other months, the revenue from the sale of puts will be invested separately at the one-month Treasury bill rate.

2. Other Investments of the Fund

While the Fund, under normal circumstances,[14] will invest in investments as described above, the Fund may also invest in other certain investments as described below.

The Fund may invest its remaining assets in short-term, high quality securities issued or guaranteed by the U.S. government (in addition to U.S. Treasury securities) and non-U.S. governments, and each of their agencies and instrumentalities; U.S. government sponsored enterprises; repurchase agreements backed by U.S. government and non-U.S. government securities; money market mutual funds; and deposit and other obligations of U.S. and non-U.S. banks and financial institutions (''money market instruments'') [15] and derivative instruments or other investments. The Fund may invest up to 20% of its net assets (in the aggregate) in one or more of the following investments not included in the Index: S&P 500 ETF put options,[16] total return swaps on the Index,[17] S&P 500 Index futures (including E-mini S&P 500 Futures), or options on S&P 500 Index futures,[18] whose collective performance is intended to correspond to the Index.[19] The Fund, may invest up to 10% of its assets in over-the-counter S&P 500 Index put options (''OTC S&P 500 Index put options'').

The Fund may invest up to 20% of its assets in other exchange traded products (''ETPs''), such as other ETFs, as well as in non-exchange-traded registered open-end investment companies.[20] The Fund may invest in securities (other than U.S. Treasury securities, described above) that have variable or floating interest rates which are readjusted on set dates (such as the last day of the month or calendar quarter) in the case of variable rates or whenever a specified interest rate change occurs in the case of a floating rate instrument.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [21] and the rules and regulations thereunder applicable to a national securities exchange.[22] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[23] which requires, among other things, that the Exchange's rules be 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. The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[24] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities.

Quotation and last-sale information for the Shares and any ETP in which it invests will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Intraday Indicative Value (''IIV'') as defined in NYSE Arca Equities Rule 5.3(j)(3), Commentary .01(c) will be

[14] The terms ''under normal circumstances'' and ''normal market conditions'' include, but are not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. In response to adverse market, economic, political, or other conditions, the Fund reserves the right to invest in U.S. government securities, other ''money market instruments'' (as defined below), and cash, without limitation, as determined by the Adviser or Sub-Adviser. In the event the Fund engages in these temporary defensive strategies that are inconsistent with its investment strategies, the Fund's ability to achieve its investment objectives may be limited.

[15] All money market instruments acquired by the Fund will be rated investment grade, except that a Fund may invest in unrated money market instruments that are deemed by the Adviser or Sub-Adviser to be of comparable quality to money market securities rated investment grade. The term ''investment grade,'' for purposes of money market instruments only, is intended to mean securities rated A1 or A2 by one or more nationally recognized statistical rating organizations.

[16] An index option gives its holder the right, but not the obligation, to buy or sell a basket of stocks, at an agreed upon price at or before a certain date. An ETF option gives its holder the right, but not the obligation, to buy or sell an exchange-traded product, such as shares in an ETF, at an agreed upon price, at or before a certain date.

[17] To the extent practicable, the Fund will invest in swaps cleared through the facilities of a centralized clearing house. The Fund may also invest in money market instruments that may serve as collateral for the swap agreements. The Adviser or Sub-Adviser will also attempt to mitigate the Fund's respective credit risk by transacting only with large, well-capitalized institutions using measures designed to determine the creditworthiness of the counterparty. The Adviser or Sub-Adviser will take various steps to limit counterparty credit risk as described in the Registration Statement. The Fund will enter into over-the-counter non-centrally cleared instruments only with financial institutions that meet certain credit quality standards and monitoring policies. The Fund may also use various techniques to minimize credit risk, including early termination or reset and payment, using different counterparties, and limiting the net amount due from any individual counterparty. The Fund generally will collateralize over-the-counter non-centrally cleared instruments with cash and/or certain securities. Such collateral will generally be held for the benefit of the counterparty in a segregated tri-party account at the custodian to protect the counterparty against non-payment by the Fund. In the event of a default by the counterparty, and the Fund is owed money in the over-the-counter non-centrally cleared instruments transaction, the Fund will seek withdrawal of the collateral from the segregated account and may incur certain costs exercising its right with respect to the collateral.

[18] The futures contracts in which the Fund may invest will be listed on exchanges in the U.S. Each of the exchange-listed futures contracts in which the Fund may invest will be listed on exchanges that are members of the Intermarket Surveillance Group (''ISG'').

[19] For example, the Fund may invest in total return swaps that create positions equivalent to investments in SPX Puts and U.S. Treasury securities. In a total return swap the underlying asset to the swap agreement is typically an equity index, loans or bonds. The Fund's investments in total return swap agreements will be backed by investments in U.S. government securities in an amount equal to the exposure of such contracts.

[20] The Fund may invest in shares of both taxable and tax-exempted money market funds. The ETPs in which the Fund may invest all will be listed and traded on U.S. registered exchanges. The Fund may invest in the securities of ETPs registered under the 1940 Act consistent with the requirements of Section 12(d)(1) of the 1940 Act or any rule, regulation or order of the Commission or interpretation thereof. The ETPs in which the Fund may invest will be primarily index-based ETFs that hold substantially all of their assets in securities representing a specific index. The Fund will not invest in leveraged (*e.g.,* 2X, -2X, 3X, or -3X) ETPs.

[21] 15 U.S.C. 78f.

[22] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78k–1(a)(1)(C)(iii).

widely disseminated at least every fifteen seconds during the NYSE Arca Core Trading Session by one or more major market data vendors.[25] On each business day before commencement of trading in Shares in the Core Trading Session, the Trust will disclose for each portfolio holding, as applicable to the type of holding, the following information on its Web site: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, a portfolio composition file, which includes the security names and quantities of securities and other assets required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via National Securities Clearing Corporation. The NAV of the Fund will be calculated as of the close of trading (normally 4:00 p.m., Eastern Time) on each day the Exchange is open for business.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Intra-day, closing and settlement prices of exchange-traded portfolio assets, including investment companies, futures and options, will be readily available from the securities exchanges and futures exchanges trading such securities and futures (as the case may be), automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Quotation and last-sale information for U.S. exchange-listed options is available via Options Price Reporting Authority. Price information on fixed income portfolio securities, including money market instruments, and other Fund assets traded in the over-the-counter markets, including bonds and money market instruments, is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services. In addition, the value of the Index will be published by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. ET to 4:00 p.m. ET. Information about the Index constituents, the weighting of the constituents, the Index's methodology and the Index's rules will be available at no charge on the Index Provider's Web site at *www.CBOE.com.*

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV will be made available to all market participants at the same time. Trading in Shares will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.[26] The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. In addition, the Exchange states that the Adviser is not registered as, or affiliated with, a broker-dealer and that, in the event it becomes registered as a broker-dealer or newly affiliated with a broker-dealer, the Adviser will implement a fire wall with respect to such broker-dealer function or affiliate regarding access to information concerning the composition and changes to the Fund's portfolio.[27] The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[28] The Exchange further represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. Moreover, prior to the commencement of trading, the Exchange states that it will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares.

The Commission notes that the Shares and the Fund must comply with the initial and continued listing criteria in NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2) for the Shares to be listed and traded on the Exchange. The Exchange represents that it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has also made the following representations:

(1) The Shares conform to the initial and continued listing criteria under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2), except that the Index will not meet the requirements of NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(A)(1–5).[29]

[25] The Exchange understands that several major market data vendors display and/or make widely available IIV taken from CTA or other data feeds.

[26] These reasons may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares.

[27] *See supra* note 9. The Exchange states that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and Sub-Adviser and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients, as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[28] The Exchange states that FINRA surveils trading on the Exchange pursuant to a regulatory services agreement and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

[29] The Index will include a minimum of 20 components, which is consistent with the numerical requirement of NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(A)(4) (a minimum of 13 index or portfolio components).

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-listed equity securities, futures contracts, and exchange-traded options contracts with other markets and other entities that are members of ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-listed equity securities, futures contacts and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-listed equity securities, futures contacts and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) the procedures for purchases and redemptions of Shares in creation units (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV or Index value will not be calculated or publicly disseminated; (d) how information regarding the IIV and Index Value is disseminated; (e) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Act,[30] as provided by NYSE Arca Equities Rule 5.3.

(6) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment).

(7) A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange.

(8) All futures contracts in which the Fund may invest will be listed on U.S. that are members of the ISG.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act [31] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[32] that the proposed rule change (SR–NYSEArca–2015–05) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08447 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[30] 17 CFR 240.10A–3.

[31] 15 U.S.C. 78f(b)(5).

[32] 15 U.S.C. 78s(b)(2).

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74679; File No. SR–OC–2015–01]

Self-Regulatory Organizations; OneChicago, LLC; Notice of Filing of Proposed Rule Change Relating to Ownership and Control Reports

April 8, 2015.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (the ''Act'') [1], notice is hereby given that on March 31, 2015, OneChicago, LLC (''OneChicago,'' ''OCX,'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. OneChicago has also filed this rule change with the Commodity Futures Trading Commission (''CFTC''). OneChicago filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'') on March 19, 2015.

[1] 15 U.S.C. 78s(b)(7).

I. Self-Regulatory Organization's Description of the Proposed Rule Change

OneChicago is proposing to insert into its Rulebook new OCX Rule 516 and concurrently issue Notice to Members (''NTM'') 2015–7. New OCX Rule 516 codifies the requirement that Clearing Members submit to the Exchange account information related to reportable positions in OneChicago Contracts. OneChicago currently requires position-based reporting, but has not previously codified this requirement in the OCX Rulebook.[2]

Additionally, OneChicago is concurrently issuing NTM 2015–7. The NTM informs market participants that OneChicago is adopting new OCX Rule 516. Additionally, the NTM explains to market participants that OCX will require Clearing Members to submit CFTC Form 102A and 102B data in the format required by the CFTC's Ownership and Control Reports (''OCR'') Final Rule.[3]

The text of the proposed rule change is attached as *Exhibit 4* to the filing submitted by the Exchange but is not attached to the published notice of the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OneChicago 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 self-regulatory organization 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

New OCX Rule 516

OneChicago is proposing to amend the OCX Rulebook to insert new OCX Rule 516. OCX Rule 516 will require Clearing Members to submit to the Exchange account information related to reportable positions in OneChicago Contracts. OneChicago currently requires such reporting, but has not

[2] *See* OCX NTM 2010–12.

[3] CFTC, Ownership and Control Reports, Forms 102/102S/40/40S and 71; Final Rule 78 FR 69178 (Nov. 18, 2013).

previously codified this requirement in the OCX Rulebook. OneChicago believes that by codifying this requirement in the OCX Rulebook, market participants will have more certainty regarding their regulatory requirements. New OCX Rule 516 requires the submission of the account information in a form and manner prescribed by the Exchange. Accordingly, OCX is concurrently issuing NTM 2015–7, which requires the submission of the account information in the format required by the CFTC's OCR final rule.

Electronic Submission of Form 102A and Form 102B Data

On November 18, 2013, the CFTC adopted new rules and related forms to enhance its identification of futures and swap market participants. The OCR Final Rule expanded upon the CFTC's pre-existing position and transaction reporting programs by requiring the electronic submission of trader identification and market participant data on certain forms.

Previously, market participants made these reports to the CFTC via paper forms, now referred to as ''legacy'' forms. Designated Contract Markets (''DCMs'') like OneChicago also required the submission of these legacy forms. The reporting programs allowed DCMs to conduct their self-regulatory obligations effectively, as the forms contain account information relating to market participants with reportable positions. Currently, OneChicago requires Clearing Members to submit a legacy Form 102 when an account of that Clearing Member has a reportable position of two hundred contracts in any contract.

OneChicago's NTM 2015–7 will require Clearing Members to make two changes to their reporting program. First, Clearing Members will be required to submit their reports electronically in the format required by the CFTC. Second, in addition to submitting Form 102A when a Clearing Member's customer has a reportable position, Clearing Members will be required to submit Form 102B when a customer exceeds the volume threshold of fifty contracts in any contract.

The NTM then provides instructions for firms to submit their Form 102A and 102B data electronically. For Form 102A, the NTM requires that Clearing Members submit the data when a customer has a two hundred contract position in any contract, which is currently the reportable threshold. The NTM requires the submission by 9:00 a.m. Central Time (''CT'') on the business day following the date on which the account becomes reportable. The implementation date for the electronic Form 102A data will be December 30, 2015.[4]

For Form 102B, the NTM requires that Clearing Members submit the data when a customer has exceeded fifty contracts traded in any contract during a single trading day. The NTM requires the submission by 9:00 a.m. CT on the business day following the date on which the account becomes reportable. The implementation date for the electronic Form 102B data will also be December 30, 2015.

Amendments to OCX Rules 905 and 1005

OCX Rules 905 and 1005 provide the template for the Form of Specifications Supplement for each OneChicago Contract. Specifically, Rule 905 provides the template for Single Stock Futures, whereas Rule 1005 provides the template for Stock Index Futures. Both of these templates are being updated to allow for a reportable trading volume level to accommodate the new volume threshold reporting requirement.

2. Statutory Basis

OneChicago believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5)[6] and 6(b)(7)[7] 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 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.

The Exchange believes that the proposed rule change will strengthen its ability to carry out its responsibilities as a self-regulatory organization. OneChicago must receive the information that Clearing Members provide to the CFTC under the new OCR Rule in order to carry out OneChicago's market surveillance program. Additionally, OneChicago's proposed addition of new OCX Rule 516 will further help the Exchange carry out its self-regulatory duties, as it will expressly codify the requirement that firms submit the relevant account data to the Exchange. The Form 102A data will allow the Exchange to continue to identify accounts that acquire reportable positions. Similarly, the Form 102B data will allow the Exchange to identify accounts that cross the volume threshold level intraday. OneChicago did not previously have access to this volume threshold account data, and Form 102B will now allow the Exchange to identify more market participants engaged in trading OneChicago products.

B. Self-Regulatory Organization's Statement on Burden on Competition

OneChicago does not believe that the rule change and associated NTM will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, in that the rule change and associated NTM enhances OneChicago's market surveillance program. The Exchange believes that the proposed rule change and associated NTM are equitable and not unfairly discriminatory because they would apply equally to all Clearing Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The rule amendment and NTM will become operative on April 6, 2015.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[8]

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.

[4] On February 10, 2015, the CFTC issued a No-Action letter regarding the OCR Final Rule. The No-Action letter granted no-action relief from the requirement to report New Forms 102A and 102B until September 30, 2015. *See* CFTC Letter No. 15–03, dated February 10, 2015. OneChicago is establishing a compliance date for Forms 102A and 102B that is 120 days after the OCR Final Rule effective date to allow market participants sufficient time to make necessary changes to their systems to support electronic transmission of the data.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(7).

[8] 15 U.S.C. 78s(b)(1).

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–OC–2015–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OC–2015–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal 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–OC–2015–01, and should be submitted on or before May 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08451 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74604; File No. SR–NYSEArca–2015–20]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Schedule of Fees and Charges for Exchange Services To Specify That Affiliated Exchange ETP Holders May Request That the Exchange Aggregate Its Eligible Activity With Activity of the ETP Holder's Affiliates for Purposes of Charges or Credits Based on Volume

Correction

In Notice document 2015–07619 beginning on page 18270 in the issue of Friday, April 3, 2015, make the following correction:

On page 18270, in the third column, in the second paragraph from the bottom, the subject heading beginning ''Self-Regulatory Organizations'' should read as follows:

''Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Schedule of Fees and Charges for Exchange Services to Specify that Affiliated Exchange ETP Holders May Request that the Exchange Aggregate Its Eligible Activity with Activity of the ETP Holder's Affiliates for Purposes of Charges or Credits Based on Volume''

[FR Doc. C1–2015–07619 Filed 4–13–15; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74628; File No. SR–Phlx–2015–32]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 3301(h)

April 1, 2015.

Correction

In notice document 2015–07851, appearing on pages 18662—18664 in the issue of Tuesday, April 7, 2015, make the following correction:

On page 18664, in the second column, on the thirty-first line from the top, ''May 7, 2015'' is corrected to read ''April 28, 2015.''

[FR Doc. C1–2015–07851 Filed 4–13–15; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74682; File No. SR–NYSEMKT–2015–22]

Self-Regulatory Organizations; NYSE MKT, LLC; Notice of Filing of Proposed Rule Change Amending Rule 13—Equities and Related Rules Governing Order Types and Modifiers

April 8, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 24, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 13—Equities and related rules governing order types and modifiers. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 5, 2014, in a speech entitled ''Enhancing Our Market Equity Structure,'' Mary Jo White, Chair of the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Securities and Exchange Commission (''SEC'' or the ''Commission'') requested the equity exchanges to conduct a comprehensive review of their order types and how they operate in practice, and as part of this review, consider appropriate rule changes to help clarify the nature of their order types. [4] Subsequent to the Chair's speech, the SEC's Division of Trading and Markets requested that the equity exchanges complete their reviews and submit any proposed rule changes.[5]

The Exchange notes that it continually assesses its rules governing order types and undertook on its own initiative a review of its rules related to order functionality to assure that its various order types, which have been adopted and amended over the years, accurately describe the functionality associated with those order types, and more specifically, how different order types may interact. As a result of that review, the Exchange submitted a proposed rule change to delete rules relating to functionality that was not available.[6] In addition, over the years, when filing rule changes to adopt new functionality, the Exchange has used those filings as an opportunity to streamline related existing rule text for which functionality has not changed.[7]

The Exchange is filing this proposed rule change to continue with its efforts to review and clarify its rules governing order types, as appropriate. Specifically, the Exchange notes that Rule 13—Equities (''Rule 13'') is currently structured alphabetically, and does not include subsection numbering. The Exchange proposes to provide additional clarity to Rule 13 by re-grouping and re-numbering current rule text and making other non-substantive, clarifying changes. The proposed rule changes are not intended to reflect changes to functionality but rather to clarify Rule 13 to make it easier to navigate.[8] In addition, the Exchange proposes to amend certain rules to remove references to functionality that is no longer operative.

Proposed Rule 13 Restructure

The Exchange proposes to re-structure Rule 13 to re-group existing order types and modifiers together along functional lines.

Proposed new subsection (a) of Rule 13 would set forth the Exchange's order types that are the foundation for all other order type instructions, *i.e.,* the primary order types. The proposed primary order types would be:

- Market Orders. Rule text governing Market Orders would be moved to new Rule 13(a)(1). The Exchange proposes a non-substantive change to replace the reference to ''Display Book'' with a reference to ''Exchange systems.'' [9] The Exchange notes that it proposes to capitalize the term ''Market Order'' throughout new Rule 13.
- Limit Orders. Rule text governing Limit Orders would be moved to new Rule 13(a)(2). The Exchange proposes a non-substantive change to capitalize the term ''Limit Order,'' and to shorten the definition in a manner that streamlines the rule text without changing the meaning of the rule. The Exchange notes that it proposes to capitalize the term ''Limit Order'' throughout new Rule 13.

The Exchange notes that it proposes to delete the definition of ''Auto Ex Order'' because all orders entered electronically at the Exchange are eligible for automatic execution in accordance with Rules 1000–1004—Equities and therefore the Exchange does not believe that it needs to separately define an Auto Ex Order. Rather than maintain a separate definition, the Exchange proposes to specify in proposed Rule 13(a) that all orders entered electronically at the Exchange are eligible for automatic execution consistent with the terms of the order and Rules 1000–1004—Equities. The Exchange notes that Rule 13 currently provides for specified instructions for orders that may not execute on arrival, even if marketable, *e.g.,* a Limit Order designated ALO, or may only be eligible to participate in an auction, accordingly, the terms of the order also control whether a marketable order would automatically execute upon arrival. The Exchange further proposes to specify that interest represented manually by Floor brokers, *i.e.,* orally bid or offered at the point of sale on the Trading Floor, is not eligible for automatic execution. The Exchange notes that the order types currently specified in the definition for auto ex order are already separately defined in Rule 13 or Rule 70(a)(ii)—Equities (definition of G order).

Proposed new subsection (b) of Rule 13 would set forth the existing Time in Force Modifiers that the Exchange makes available for orders entered at the Exchange. The Exchange proposes to: (i) Move rule text governing Day Orders to new Rule 13(b)(1), without any substantive changes to the rule text; (ii) move rule text governing Good til Cancelled Orders to new Rule 13(b)(2), without any substantive changes to the rule text; and (iii) move rule text governing Immediate or Cancel Orders to new Rule 13(b)(3) without any changes to rule text. The Exchange notes that these time-in-force conditions are not separate order types, but rather are modifiers to orders. Accordingly, the Exchange proposes to re-classify them as modifiers and remove the references to the term ''Order.'' In addition, as noted above, the Exchange proposes to capitalize the term ''Limit Order'' in Rule 13(b).

Proposed new subsection (c) of Rule 13 would specify the Exchange's existing Auction-Only Orders. In moving the rule text, the Exchange proposes the following non-substantive changes: (i) Capitalize the terms ''Limit Order,'' ''CO Order,'' and ''Market Order''; (ii) move the rule text for CO Orders to new Rule 13(c)(1); (iii) rename a ''Limit 'At the Close' Order'' as a ''Limit-on-Close (LOC) Order'' and move the rule text to new Rule 13(c)(2); (iv) rename a ''Limit 'On-the-Open' Order'' as a ''Limit-on-Open (LOO) Order'' and move the rule text to new Rule 13(c)(3); (v) rename a ''Market 'At-the-Close' Order'' as a ''Market-on-Close (MOC) Order'' and move the rule text to new Rule 13(c)(4); and (vi) rename a ''Market 'On-the-Open' Order'' as a ''Market-on-Open (MOO) Order'' and move the rule text to new Rule 13(c)(5).

[4] *See* Mary Jo White, Chair, Securities and Exchange Commission, Speech at the Sandler, O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available at *www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwJiw).*

[5] *See* Letter from James Burns, Deputy Director, Division of Trading and Markets, Securities and Exchange Commission, to Jeffrey C. Sprecher, Chief Executive Officer, Intercontinental Exchange, Inc., dated June 20, 2014.

[6] *See* Securities Exchange Act Release No. 71898 (April 8, 2014), 79 FR 20957 (April 14, 2014) (SR–NYSEMKT–2014–27) (''2014 Pegging Filing'') (amending rules governing pegging interest to conform to functionality that is available at the Exchange).

[7] *See, e.g.,* Securities Exchange Act Release Nos. 68305 (Nov. 28, 2012), 77 FR 71853 (Dec. 4, 2012) (SR–NYSEMKT–2012–67) (amending rules governing pegging interest to, among other things, make non-substantive changes, including moving the rule text from Rule 70.26—Equities to Rule 13, to make the rule text more focused and streamlined) (''2012 Pegging Filing''), *and* 71175 (Dec. 23, 2013), 78 FR 79534 (Dec. 30, 2013) (SR–NYSEMKT–2013–25) (approval order for rule proposal that, among other things, amended Rule 70 governing Floor broker reserve e-quotes that streamlined the rule text without making substantive changes) (''2013 Reserve e-Quote Filing'').

[8] The Exchange notes that its affiliated exchanges, New York Stock Exchange LLC (''NYSE'') and NYSE Arca, Inc. are proposing similar restructuring of their respective order type rules to group order types and modifiers. *See* SR–NYSE–2015–15 and SR–NYSEArca–2015–08.

[9] The Exchange proposes to replace the term ''Display book'' with the term ''Exchange systems'' when use of the term refers to the Exchange systems that receive and execute orders. The Exchange proposes to replace the term ''Display Book'' with the term ''Exchange's book'' when use of the term refers to the interest that has been entered and ranked in Exchange systems.

Proposed new subsection (d) of Rule 13 would specify the Exchange's existing orders that include instructions not to display all or a portion of the order. The order types proposed to be included in this new subsection are:

• Mid-point Passive Liquidity (''MPL'') Orders. Existing rule text governing MPL Orders would be moved to new Rule 13(d)(1) with non-substantive changes to capitalize the term Limit Order, update cross references, and refer to ''Add Liquidity Only'' as ALO, since ALO is now a separately defined term in new Rule 13(e)(1). The Exchange also proposes to clarify the rule text by deleting the term ''including'' from the phrase ''[a]n MPL Order is not eligible for manual executions, including openings, re-openings, and closings,'' because MPL Orders would not participate in an opening, re-opening, or closing that is effectuated electronically.[10] The Exchange further proposes to make a substantive amendment to the rule text set forth in new Rule 13(d)(1)(C) to specify that Exchange systems would reject an MPL Order on entry if the Minimum Triggering Volume (''MTV'') is larger than the size of the order and would reject a request to partially cancel a resting MPL Order if it would result in the MTV being larger than the size of the order and make conforming changes to the existing rule text. The Exchange would continue to enforce an MTV restriction if the unexecuted portion of an MPL Order with an MTV is less than the MTV. The Exchange believes that this proposed rule change would prevent an entering firm from causing an MPL Order to have an MTV that is larger than the order, thereby bypassing contra-side interest that is larger than the size of the MPL Order.[11] Finally, the Exchange proposes to make a non-substantive change to new Rule 13(d)(1)(E) to replace the term ''discretionary trade'' with ''d-Quote,'' because d-Quotes are the only type of Exchange interest that is eligible to include discretionary pricing instructions.[12]

• Reserve Orders. Existing rule text governing Reserve Orders would be moved to new Rule 13(d)(2) with non-substantive changes to capitalize the term ''Limit Order'' and hyphenate the term ''Non-Displayed.'' The Exchange proposes further non-substantive changes to the rule text governing Minimum Display Reserve Orders, which would be in new Rule 13(d)(2)(C), to clarify that a Minimum Display Reserve Order would participate in both automatic and manual executions. This is existing functionality relating to Minimum Display Reserve Orders [13] and the proposed rule text aligns with Rule 70(f)(i)—Equities governing Floor broker Minimum Display Reserve e-Quotes.[14] Similarly, the Exchange proposes non-substantive changes to the rule text governing Non-Displayed Reserve Orders, which would be in new Rule 13(d)(2)(D), to clarify that a Non-Displayed Reserve Order would not participate in manual executions. This is existing functionality relating to Non-Displayed Reserve Orders [15] and the proposed rule text aligns with Rule 70(f)(ii)—Equities governing Non-Display Reserve eQuotes excluded from the DMM.[16] Finally, in proposed new Rule 13(d)(2)(E), the Exchange proposes to clarify that the treatment of reserve interest, which is available for execution only after all displayable interest at that price point has been executed, is applicable to all Reserve Orders, and is not limited to Non-Displayed Reserve Orders.[17]

Proposed new subsection (e) of Rule 13 would specify the Exchange's existing order types that, by definition, do not route. The order types proposed to be included in this new subsection are:

• Add Liquidity Only (''ALO'') Modifiers. Existing rule text governing ALO modifiers would be moved to new Rule 13(e)(1) with non-substantive changes to capitalize the term ''Limit Order'' and update cross-references. Existing rule text that is being moved to new Rule 13(e)(1)(A) currently provides that Limit Orders designated ALO may participate in opens and closes, but that the ALO instructions would be ignored. Because Limit Orders designated ALO could also participate in re-openings, and the ALO instructions would similarly be ignored, the Exchange proposes to clarify new Rule 13(e)(1)(A) to provide that Limit Orders designated ALO could participate in openings, re-openings, and closings, but that the ALO instructions would be ignored.

• Do Not Ship (''DNS'') Orders. Existing rule text governing DNS Orders would be moved to new Rule 13(e)(2) with non-substantive changes to capitalize the term ''Limit Order'' and replace the reference to ''Display Book'' with a reference to ''Exchange systems.''

• Intermarket Sweep Order. Existing rule text governing ISOs would be moved to new Rule 13(e)(3) with non-substantive changes to capitalize the term ''Limit Order'', update cross-references, and replace the reference to ''Display Book'' with a reference to ''Exchange's book.''

Proposed new subsection (f) of Rule 13 would specify the Exchange's other existing order instructions and modifiers, including:

• Do Not Reduce (''DNR'') Modifier. Existing rule text governing DNR Orders would be moved to new Rule 13(f)(1) with non-substantive changes to capitalize the terms ''Limit Order'' and ''Stop Order.'' In addition, the Exchange believes that because DNR instructions would be added to an order, DNR is more appropriately referred to as a modifier rather than as an order type.

• Do Not Increase (''DNI'') Modifiers. Existing rule text governing DNI Orders would be moved to new Rule 13(f)(2) with non-substantive changes to capitalize the terms ''Limit Order'' and ''Stop Order.'' In addition, the Exchange believes that because DNI instructions would be added to an order, DNI is more appropriately referred to as a modifier rather than as an order type.

[10] *See* Rule 123C.10—Equities (''Closings may be effectuated manually or electronically'') and Rule 123D(1)—Equities (''Openings may be effectuated manually or electronically'').

[11] The Exchange notes that because of technology changes associated with rejecting MPL Orders that have an MTV larger than the size of the order, the Exchange will announce by Trader Update when this element of the proposed rule change will be implemented.

[12] *See* Rule 70.25—Equities (Discretionary Instructions for Bids and Offers Represented via Floor Broker Agency Interest Files (e-Quotes[SM])).

[13] On October 1, 2008, the Commission approved the Exchange's rule proposal to establish new membership, member firm conduct, and equity trading rules that were based on the existing NYSE rules to reflect that equities trading on the Exchange would be supported by the NYSE's trading system. *See* Securities Exchange Act Release No. 58705 (Oct. 1, 2008), 73 FR 58995 (Oct. 8. 2008) (SR–Amex–2008–63) (approval order). Because the Exchange's rules are based on the existing NYSE rules, the Exchange believes that pre-October 1, 2008 NYSE rule filings provide guidance concerning Exchange equity rules. *See* Securities Exchange Act Release No. 57688 (April 18, 2008), 73 FR 22194 at 22197 (April 24, 2008) (SR–NYSE–2008–30) (order approving NYSE rule change that, among other things, adopted new Reserve Order for which the non-displayed portion of the order is eligible to participate in manual executions) (''2008 Reserve Order Filing'').

[14] *See* 2013 Reserve e-Quote Filing, *supra* n. 7.

[15] *See* Securities Exchange Act Release No. 58845 (Oct. 24, 2008), 73 FR 64379 at 64384 (Oct. 29, 2008) (SR–NYSE–2008–46) (order approving the NYSE's New Market Model, including adopting a Non-Displayed Reserve Order that would not be eligible to participate in manual executions); *see also* Securities Exchange Act Release No. 59022 (Nov. 26, 2008), 73 FR 73683 (Dec. 3, 2008) (SR–NYSEALTR–2008–10) (notice of filing and immediate effectiveness of rule change to conform Exchange equity rules with NYSE rules, including adopting NYSE New Market Model and related changes to adoption of a Non-Displayed Reserve Order).

[16] *See* 2013 Reserve e-Quote Filing, *supra* n. 7.

[17] *See* 2008 Reserve Order Filing *supra* n. 13 at 22196 (displayable portion of Reserve Order executed together with other displayable interest at a price point before executing with reserve portion of the order).

• Pegging Interest. Existing rule text governing Pegging Interest and related subsections would be moved to new Rule 13(f)(3) with two clarifying changes to the existing rule text. First, because Pegging Interest is currently available for e-Quotes and d-Quotes only, the Exchange proposes to replace the term ''can'' with the term ''must'' in new Rule 13(f)(3)(a)(i) to provide that Pegging Interest ''must be an e-Quote or d-Quote.'' Second, the Exchange proposes to delete reference to the term ''Primary Pegging Interest,'' because the Exchange has only one form of pegging interest.[18]

• Retail Modifiers. Existing rule text governing Retail Modifiers and related subsections would be moved to new Rule 13(f)(4) with non-substantive changes to update cross-references.

• Self-Trade Prevention (''STP'') Modifier. Existing rule text governing STP Modifiers and related subsections would be moved to new Rule 13(f)(5) with non-substantive changes to capitalize the terms ''Limit Orders,'' ''Market Orders,'' and ''Stop Orders'' and hyphenate the term ''Self-Trade Prevention.''

• Sell ''Plus''—Buy ''Minus'' Instructions. Existing rule text governing Sell ''Plus''—Buy ''Minus'' Orders would be moved to new Rule 13(f)(6) with non-substantive changes to break the rule into subsections, capitalize the terms ''Market Order,'' ''Limit Order,'' and ''Stop Order,'' and replace the references to Display Book with references to Exchange systems. In addition, the Exchange proposes to re-classify this as an order instruction rather than as a separate order.

• Stop Orders. Existing rule text governing Stop Orders would be moved to new Rule 13(f)(7) with non-substantive changes to break the rule into subsections, capitalize the term ''Market Order,'' and replace references to ''Exchange's automated order routing system'' with references to ''Exchange systems.''

The Exchange proposes to make conforming changes to Rule 501(d)(2)—Equities relating to the list of order types that are not accepted for trading in UTP Securities by: (i) Replacing the term ''Market or Limit at the Close'' with ''MOC or LOC''; (ii) replacing the term ''At the Opening or At the Opening Only (''OPG'')'' with ''MOO or LOO''; (iii) deleting the GTX Order reference, as an order instruction that the Exchange no longer accepts; and (iv) updating the subsection rule numbering accordingly.

[18] *See* 2014 Pegging Filing, *supra* n. 6.

As part of the proposed restructure of Rule 13, the Exchange proposes to move existing rule text in Rule 13 governing the definition of ''Routing Broker'' to Rule 17(c), without any change to the rule text. The Exchange believes that Rule 17—Equities is a more logical location for the definition of Routing Broker because Rule 17(c)—Equities governs the operations of Routing Brokers.

In addition, the Exchange proposes to delete existing rule text in Rule 13 governing Not Held Orders and add rule text relating to not held instructions to supplementary material .20 to Rule 13. Supplementary material .20 to Rule 13 reflects obligations that members have in handling customer orders. Because not held instructions are instructions from a customer to a member or member organization regarding the handling of an order, and do not relate to instructions accepted by Exchange systems for execution, the Exchange believes that references to not held instructions are better suited for this existing supplementary material.

Accordingly, the Exchange proposes to amend supplementary material .20 to Rule 13 to add that generally, an instruction that an order is ''not held'' refers to an unpriced, discretionary order voluntarily categorized as such by the customer and with respect to which the customer has granted the member or member organization price and time discretion. The Exchange believes that this proposed amendment aligns the definition of ''not held'' with guidance from the Financial Industry Regulatory Authority, Inc. (''FINRA'') and other markets regarding not held instructions.[19] The Exchange notes that the existing Rule 13 text regarding how to mark a Not Held Order, *e.g.,* ''not held,'' ''disregard tape,'' ''take time,'' *etc.*, are outdated references regarding order marking between a customer and a member or member organization. All Exchange members and member organizations that receive customer orders are subject to Order Audit Trail System (''OATS'') obligations, consistent with Rule 7400—Equities Series and FINRA Rule 7400 Series, which require that order-handling instructions be documented in OATS. Among the order-handling instructions that can be captured in OATS is whether an order is not held.[20] The Exchange believes that these OATS-related obligations now govern how a member or member organization records order-handling instructions from a customer and therefore the terms currently set forth in Rule 13 relating to Not Held Orders are no longer necessary.

Finally, the Exchange proposes to amend Rule 70.25—Equities governing d-Quotes to clarify that certain functionality set forth in the Rule is no longer available. Specifically, Rule 70.25(c)(ii)—Equities currently provides that a Floor broker may designate a maximum size of contra-side volume with which it is willing to trade using discretionary pricing instructions. Because this functionality is not available, the Exchange proposes to delete references to the maximum discretionary size parameter from Rules 70.25(c)(ii)—Equities and (c)(v)—Equities. In addition, the Exchange proposes to amend Rule 70.25(c)(iv)—Equities to clarify that the circumstances of when the Exchange would consider interest displayed by other market centers at the price at which a d-Quote may trade are not limited to determining when a d-Quote's minimum or maximum size range is met. Accordingly, the Exchange proposes to delete the clause ''when determining if the d-Quote's minimum and/or maximum size range is met.'' The Exchange believes that the proposed changes to Rule 70.25(c)—Equities will provide clarity and transparency regarding the existing functionality relating to d-Quotes at the Exchange.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[21] in general, and furthers the objectives of Section 6(b)(5),[22] in particular, because 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 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

[19] *See* FINRA Regulatory Notice 11–29, Answer 3 (June 2011) (''Generally, a 'not held' order is an unpriced, discretionary order voluntarily categorized as such by the customer and with respect to which the customer has granted the firm price and time discretion.''). *See also* Definition of Market Not Held Order on Nasdaq.com Glossary of Stock Market Terms, available at *http://www.nasdaq.com/investing/glossary/m/market-not-held-order.*

[20] *See* FINRA OATS Frequently Asked Questions—Technical, at T21 (''An order submitted by a customer who gives the broker discretion as to the price and time of execution is denoted as a ''Not Held'' order.''), available at *http://www.finra.org/Industry/Compliance/MarketTransparency/OATS/FAQ/P085542.*

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

general, to protect investors and the public interest. Specifically, the Exchange believes that the proposed restructuring of Rule 13, to group existing order types to align by functionality, would remove impediments to and perfect the mechanism of a free and open market by ensuring that members, regulators, and the public can more easily navigate the Exchange's rulebook and better understand the order types available for trading on the Exchange. In addition, the Exchange believes that the proposed revisions to Rule 13 and related conforming changes to Rule 501(d)(2)—Equities promote clarity regarding existing functionality that has been approved in prior rule filings, but which may not have been codified in rule text.[23] Moreover, the Exchange believes that moving rule text defining a Routing Broker to Rule 17—Equities represents a more logical location for such definition, thereby making it easier for market participants to navigate Exchange rules. Likewise, the Exchange believes the proposed changes to ''Not Held Order,'' to move it to supplementary material .20 to Rule 13 and revise the rule text to conform with guidance from FINRA and OATS requirements, would remove impediments to and perfect the mechanism of a free and open market and a national market system by applying a uniform definition of not held instructions across multiple markets, thereby reducing the potential for confusion regarding the meaning of not held instructions.

The Exchange further believes that the proposed amendment regarding MPL Orders to reject both MPL Orders with an MTV larger than the size of the order and instructions to partially cancel an MPL Order that would result in an MTV larger than the size of the order would remove impediments to and perfect the mechanism of a free and open market and national market system in general because it could potentially reduce the ability of a member organization from using MPL Orders to bypass contra-side interest that may be larger than the size of the MPL Order.

Finally, the Exchange believes that the proposed changes to Rule 70.25(c)—Equities would remove impediments to and perfect the mechanism of a free and open market and national market system in general because it assures that the Exchange's rules align with the existing functionality available at the Exchange for d-Quotes.

[23] *See supra* nn. 13–18.

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 change is not designed to address any competitive issue but rather would re-structure Rule 13 and remove rule text that relates to functionality that is no longer operative, thereby reducing confusion and making the Exchange's rules easier to navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the 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–NYSEMKT–2015–22 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–NYSEMKT–2015–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–22 and should be submitted on or before May 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08454 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74676; File No. SR–ICC–2015–008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Related to Settlement Finality

April 8, 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 April 1, 2015, ICE Clear Credit LLC (''ICC'') 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 primarily by ICC. The Commission is publishing this

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed changes is to amend ICC Clearing Rule 401 (''Rule 401'') [3] in order to provide additional clarity regarding settlement finality with respect to Mark-to-Market Margin (as defined in ICC Rule 401).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ICC proposes changes to Rule 401 in order to provide additional clarity regarding settlement finality with respect to Mark-to-Market Margin. Specifically, ICC is proposing to add new subsections (k) and (l) to Rule 401. The new subsections are not intended to change any current ICC practices; rather, such changes are intended to provide additional clarity regarding settlement finality with respect to Mark-to-Market Margin. All capitalized terms not defined herein are defined in the ICC Rules.

ICC proposes adding language in Rule 401(k) to clarify that each Transfer of Mark-to-Market Margin shall constitute a settlement (within the meaning of U.S. Commodity Futures Trading Commission Rule 39.14 [4]) and shall be final as of the time ICC's accounts are debited or credited with the relevant payment. Further, ICC proposes adding language in Rule 401(l) to state that once settlement of a Transfer of Mark-to-Market Margin in respect of the Margin Requirements for a Mark-to-Market Margin Category is final, the fair value of the outstanding exposures for the relevant Contracts in that Mark-to-Market Margin Category (taking into account the Margin provided in respect of such Margin Requirement) will be reset to zero. Such additional language is consistent with ICC's current practices and is intended to provide further clarity regarding ICC's settlement cycle.

Section 17A(b)(3)(F) of the Act [5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to section 17(A)(b)(3)(F),[6] because ICC believes that the proposed rule change will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions. The proposed changes to the ICC Rules provide additional clarity regarding ICC's current settlement cycle. ICC believes the proposed revisions provide further clarity and transparency in the ICC Rules. ICC believes clarity and transparency in its Rules is of value to the market in order to provide a comprehensive understanding of ICC's operations. As such, the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of section 17A(b)(3)(F) [7] of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The changes, which clarify aspects of ICC's settlement cycle, result in no operational changes and apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate 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 relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

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 up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization 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–ICC–2015–008 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–ICC–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

[3] Pursuant to a telephone call with ICC's internal counsel on April 2, 2015, staff in the Division of Trading and Markets corrected an incorrect reference to ICC Rule 401(b)(ii). ICC intended to refer to ICC Rule 401.

[4] 17 CFR 39.14(a).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] *Id.*

[7] *Id.*

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2015–008 and should be submitted on or before May 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08448 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, April 16, 2015 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be:

Institution 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: April 9, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–08630 Filed 4–10–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74677; File No. SR–NYSEMKT–2015–23]

Self-Regulatory Organizations; NYSE MKT, LLC; Notice of Filing of Proposed Rule Change Adopting a Principles-Based Approach To Prohibit the Misuse of Material Nonpublic Information by Specialists and e-Specialists by Deleting Rule 927.3NY and Section (f) of Rule 927.5NY

April 8, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 26, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a principles-based approach to prohibit the misuse of material nonpublic information by Specialists and e-Specialists by deleting Rule 927.3NY and section (f) of Rule 927.5NY. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a principles-based approach to prohibit the misuse of material nonpublic information by Specialists and e-Specialists by deleting Rule 927.3NY and section (f) of Rule 927.5NY. In so doing, the Exchange would harmonize its rules governing Specialists, e-Specialists and Market Makers relating to protecting against the misuse of material, non-public information. The Exchange believes that Rules 927.3NY and 927.5NY(f) are no longer necessary because all ATP Holders, including Specialists and e-Specialists, are subject to the Exchange's general principles-based requirements governing the protection against the misuse of material, non-public information, pursuant to Exchange Rules, Part 1—General Rules, Rule 3 (General Prohibitions and Duty to Report), section (j) (''Rule 3(j)''), which obviates the need for separately-prescribed requirements for a subset of market participants on the Exchange.

Background

The Exchange has three classes of registered market makers. Pursuant to Rule 920NY(a), a Market Maker is an ATP holder that is registered with the Exchange for the purpose of submitting quotes electronically and making transactions as a dealer-specialist verbally on the Trading Floor, through the System from the Trading Floor, or remotely from off the Trading Floor. As the rule further provides, a Market Maker can be either a Remote Market Maker, a Floor Market Maker, a Specialist, or an e-Specialist. All Market Makers are subject to the requirements of Rule 925NY and 925.1NY, which set forth the obligations of Market Makers, particularly relating to quoting.

Rule 927NY(c) specifies the obligations of Specialists, which, in addition to the Market Maker obligations of Rule 925NY, must also honor guaranteed markets. Rules 927.4NY and 927.5NY specify the obligations of e-Specialists, which is a form of Specialist that operates remotely only. The quoting obligations of all Market Makers, including Specialists/e-Specialists, are set forth in Rule 925.1NY. That rule sets forth the main difference between Market Makers and Specialists/e-Specialists, namely that Specialists/e-Specialists have a heightened quoting obligation as compared to Market Makers.[4] In addition to a heightened quoting obligation, pursuant to Rule 964NY, Specialists/e-Specialists that are participants in the Specialist Pool are eligible to receive a guaranteed participation of incoming bids and offers.[5]

Importantly, whether operating on the Trading Floor or remotely, all Market Makers, including Specialists/e-Specialists, have access to the same information in the Consolidated Book that is available to all other market participants. Moreover, none of the Exchange's Market Makers, including Specialists/e-Specialists, have agency obligations to the Exchange's Consolidated Book. As such, the distinctions between Market Makers and Specialists/e-Specialists are the quoting requirements set forth in Rule 925.1NY and allocation guarantee for the Specialist Pool set forth in Rule 964NY.

Notwithstanding that Market Makers, Specialists, and e-Specialists have access to the same Exchange trading information as all other market participants on the Exchange, the Exchange has distinct, prescriptive rules governing how Specialists and e-Specialists may operate. Rule 927.3NY prohibits ATP Holders affiliated with a Specialist from purchasing or selling any option to which the Specialist is appointed, except to reduce or liquidate positions after appropriate identification and floor official approval of the transaction. The rule further provides an exemption from the prohibition for affiliated firms that implement specified Exchange-approved procedures to restrict the flow of material, non-public information. Rules 927.3NY(e)–(j) outline the ''Exemption Guidelines'' with which an affiliated firm must comply to obtain an exemption from the restriction in Rule 927.3NY. These specified ''Exemption Guidelines'' are meant to ensure that a Specialist will not have access to material, non-public information possessed by its affiliated ATP Holder, and that a firm will not misuse its affiliated Specialist's material, non-public information. The Exchange notes that the current rule is based on requirements from when specialists on the American Stock Exchange had agency obligations to the Exchange's book.

Rule 927.5NY(f) requires e-Specialists to maintain information barriers that are reasonably designed to prevent the misuse of material, non-public information with any affiliates that may conduct a brokerage business in option classes allocated to the e-Specialist or act as specialist or Market Maker in any security underlying options allocated to the e-Specialist (but does not require prior Exchange approval and does not set forth proscribed ''Exemption Guidelines'').

Proposed Rule Change

The Exchange believes that the particularized guidelines in Rule 927.3NY and 927.5NY(f) for Specialists and e-Specialists, respectively, are no longer necessary and proposes to delete them. Rather, the Exchange believes that Rule 3(j) governing the misuse of material, non-public information provides for an appropriate, principles-based approach to prevent the market abuses Rules 927.3NY and 927.5(f) are designed to address. Specifically, Rule 3(j) requires every Exchange member to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, non-public information by such member or associated persons. For purposes of this requirement, the misuse of material, non-public information includes, but is not limited to, the following:

(a) Trading in any securities issued by a corporation, or in any related securities or related options or other derivative securities, while in possession of material, non-public information concerning that issuer;

(b) trading in a security or related options or other derivative securities, while in possession of material, non-public information concerning imminent transactions in the security or related securities; or

(c) disclosing to another person or entity any material, non-public information involving a corporation whose shares are publicly traded or an imminent transaction in an underlying security or related securities for the purpose of facilitating the possible misuse of such material, non-public information.

Because Specialists and e-Specialists are already subject to the requirements of Rule 3(j), the Exchange does not believe that it is necessary to separately require specific limitations on dealings between Specialists/e-Specialists and their affiliates. Deleting Rule 927.3NY and 927.5NY(f) and requirements for specific procedures would provide Specialists/e-Specialists and ATP Holders with the flexibility to adapt their policies and procedures as appropriate to reflect changes to their business model, business activities, or the securities market in a manner similar to how Market Makers on the Exchange currently operate and consistent with Rule 3(j).

As noted above, Exchange Specialists and e-Specialists are distinguished under Exchange rules from other types of Market Makers only to the extent that Specialists and e-Specialists have heightened obligations and allocation guarantees. However, none of these heightened obligations provides [sic] different or greater access to nonpublic information than any other market participant on the Exchange.[6] Specifically, whether on the Trading Floor or remotely, neither Specialists nor e-Specialists on the Exchange have access to trading information provided by the Exchange, either at, or prior to, the point of execution, that is not made available to all other market participants on the Exchange in a similar manner. Further, as noted above, Specialists/e-Specialists on the Exchange do not have any agency responsibilities for orders in the Consolidated Book. Accordingly, because Specialists, e-Specialists and Market Makers do not have any trading advantages at the Exchange due to their market role, the Exchange believes that they should be subject to the same rules regarding the protection against the misuse of material non-public information, which in this case, is existing Rule 3(j).[7]

[4] *Compare* Rule 925.1NY(b) (''Specialists must provide continuous two-sided quotations throughout the trading day in its appointed issues [sic] 90% of the time the Exchange is open for trading in each issue.'') *with* Rule 925.1NY(c) (''A Market Maker must provide continuous two-sided quotations throughout the trading day in its appointed issues for 60% of the time the Exchange is open for trading in each issue.'')

[5] *See* Rule 964NY(b)(2)(C).

[6] *See* Rules 927NY(c) and 927.5NY.

[7] The Exchange notes that by deleting Rule 927.3NY, the Exchange would no longer require specific information barriers for Specialists or require pre-approval of any information barriers that a Specialist would erect for purposes of protecting against the misuse of material non-public information. However, as is the case today with Market Makers, information barriers of new entrants, including new Specialists, would be subject to review as part of a new firm application. Moreover, the policies and procedures of Specialists and e-Specialists, including those relating to information barriers, would be subject to

The Exchange notes that its proposed approach to use a principles-based approach to protecting against the misuse of material non-public information for all of its registered market makers is consistent with recent approved rule changes for NYSE Arca Equities, Inc. (''NYSE Arca''), BATS Exchange, Inc.'s (''BATS''), and New York Stock Exchange LLC (''NYSE'') rules governing cash equity market makers on those respective exchanges.[8] Except for prescribed rules relating to floor-based designated market makers on the NYSE, who have access to specified non-public trading information, each of these exchanges have moved to a principles-based approach to protecting against the misuse of material non-public information. In connection with approving those rule changes, the Commission found that eliminating prescriptive information barrier requirements should not reduce the effectiveness of exchange rules requiring its members to establish and maintain systems to supervise the activities of its members, including written procedures reasonably designed to ensure compliance with applicable federal securities law and regulations, and with the rules of the applicable exchange.[9]

Comparable to members of cash equity markets, the Exchange believes that a principles-based rule applicable to members of options markets would be equally effective in protecting against the misuse of material non-public information. Indeed, Exchange Rule 3(j) is currently applicable to Exchange Market Makers other than Specialists and e-Specialists and already requires all ATP Holders to have policies and procedures reasonably designed to protect against the misuse of material nonpublic information, which is similar to the respective NYSE Arca Equities, BATS and NYSE rules governing cash equity market makers. The Exchange believes Rule 3(j) provides appropriate protection against the misuse of material nonpublic information by Specialists and e-Specialists on the Exchange and there is no longer a need for prescriptive information barrier requirements in Rules 927.3NY and 927.5NY(f).

The Exchange notes that even with this proposed rule change, pursuant to Rule 3(j), a Specialist or e-Specialist would still be obligated to ensure that its policies and procedures reflect the current state of its business and continue to be reasonably designed to achieve compliance with applicable federal securities law and regulations, and with applicable Exchange rules, including being reasonably designed to protect against the misuse of material, non-public information. While information barriers would not specifically be required under the proposal, Rule 3(j) already requires that an ATP Holder consider its business model or business activities in structuring its policies and procedures, which may dictate that an information barrier or a functional separation be part of the appropriate set of policies and procedures that would be reasonably designed to achieve compliance with applicable securities law and regulations, and with applicable Exchange rules.

The Exchange further notes that under Rule 3(j), an ATP Holder would be able [sic] structure its firm to provide for its options Specialists, e-Specialists, or Market Makers, as applicable, to be structured with its equities and customer-facing businesses, provided that any such structuring would be done in a manner reasonably designed to protect against the misuse of material, non-public information. For example, pursuant to Rule 3(j), a Specialist on the Exchange could be in the same independent trading unit, as defined in Rule 200(f) of Regulation SHO,[10] as an equities market maker and other trading desks within the firm, including options trading desks, so that the firm could share post-trade information to better manage its risk across related securities. The Exchange believes it is appropriate, and consistent with Rule 3(j) and Section 15(g) of the Act [11] for a firm to share options position and related hedging position information (*e.g.,* equities, futures, and foreign currency) within a firm to better manage risk on a firm-wide basis. The Exchange notes, however, that if so structured, a firm would need to have appropriate policies and procedures, including information barriers as applicable, to protect against the misuse of material non-public information, and specifically customer information, consistent with Rule 3(j).

The Exchange believes that the proposed reliance on the principles-based Rule 3(j) would ensure that an ATP Holder that operates a Specialist or e-Specialist would be required to protect against the misuse of any material non-public information. As noted above, Rule 3(j) already requires that firms refrain from trading while in possession of material non-public information concerning imminent transactions in the security or related product. The Exchange believes that moving to a principles-based approach rather than prescribing how and when to wall off a Specialist or e-Specialist from the rest of the firm would provide ATP Holders operating Specialists or e-Specialists with appropriate tools to better manage risk across a firm, including integrating options positions with other positions of the firm or, as applicable, by the respective independent trading unit. Specifically, the Exchange believes that it is appropriate for risk management purposes for a member operating a Specialist or e-Specialist to be able to consider both options Specialist/e-Specialist traded positions for purposes of calculating net positions consistent with Rule 200 of Regulation SHO, calculating intra-day net capital positions, and managing risk both generally as well as in compliance with Rule 15c3–5 under the Act (the ''Market Access Rule'').[12] The Exchange notes that any risk management operations would need to operate consistent with the requirement to protect against the misuse of material non-public information.

The Exchange further notes that if Specialists or e-Specialists are integrated with other market making operations, they would be subject to existing rules that prohibit ATP Holders from disadvantaging their customers or other market participants by improperly capitalizing on a member organization's access to the receipt of material, non-public information. As such, a member organization that integrates its Specialist/e-Specialist operations together with equity market making would need to protect customer information consistent with existing obligations to protect such information. The Exchange has rules prohibiting members from disadvantaging their customers or other market participants by improperly capitalizing on the

review by FINRA, on behalf of the Exchange, pursuant to a Regulatory Services Agreement.

[8] *See* Securities Exchange Act Release Nos. 60604 (Sept. 2, 2009), 76 FR 46272 (Sept. 8, 2009) (SR–NYSEArca–2009–78) (Order approving elimination of NYSE Arca rule that required market makers to establish and maintain specifically prescribed information barriers, including discussion of NYSE Arca and Nasdaq rules) (''Arca Approval Order''); 61574 (Feb. 23, 2010), 75 FR 9455 (Mar. 2, 2010) (SR–BATS–2010–003) (Order approving amendments to BATS Rule 5.5 to move to a principles-based approach to protecting against the misuse of material, non-public information, and noting that the proposed change is consistent with the approaches of NYSE Arca and Nasdaq) (''BATS Approval Order''); and 72534 (July 3, 2014), 79 FR 39440 (July 10, 2014), SR–NYSE–2014–12) (Order approving amendments to NYSE Rule 98 governing designated market makers to move to a principles-based approach to prohibit the misuse of material non-public information) (''NYSE Approval Order'').

[9] *See, e.g.,* BATS Approval Order, *supra* note 8 at 9458.

[10] 17 CFR part 242.200(f).

[11] 15 U.S.C. 78o(g).

[12] 17 CFR part 240.15c3–5.

members' [sic] access to or receipt of material, non-public information. For example, Rule 320 requires members to establish, maintain, enforce, and keep current a system of compliance and supervisory controls, reasonably designed to achieve compliance with applicable securities laws and Exchange rules. Additionally, Rule 995NY(c) prevents an ATP Holder or person associated with an ATP Holder, who has knowledge of an originating order, a solicited order, or a facilitation order, to enter, based on such knowledge, an order to buy or sell an option on the underlying securities of any option that is the subject of the order, an order to buy or sell the security underlying any option that is the subject of the order, or any order to buy or sell any related instrument unless certain circumstances are met.

The Exchange proposes to make a conforming amendment to remove the section referencing Rule 927.3NY in Rule 927.6NY.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [13] in general, and furthers the objectives of Section 6(b)(5) of the Act [14] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market by adopting a principles-based approach to permit an ATP Holder operating a Specialist or e-Specialist to maintain and enforce policies and procedures to, among other things, prohibit the misuse of material non-public information and eliminating restrictions on how an ATP Holder structures it Specialist or e-Specialist operations. The Exchange notes that the proposed rule change is based on an approved rule of the Exchange to which Specialists and e-Specialists are already subject—Rule 3(j)—and harmonizes the rules governing Specialists, e-Specialists, and Market Makers. Moreover, ATP Holders operating Specialists and e-Specialists would continue to be subject to federal and Exchange requirements for protecting material non-public order information.[15] The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market because it would harmonize the Exchange's approach to protecting against the misuse of material nonpublic information and no longer subject Specialists/e-Specialists to prescriptive requirements. The Exchange does not believes that the existing prescriptive requirements applicable to Specialists/e-Specialists are narrowly tailored to their respective roles because neither market participant has access to Exchange trading information in a manner different from any other market participant on the Exchange and they do not have agency responsibilities to the Consolidated Book.

The Exchange further believes the proposal is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade because existing rules make clear to Specialists, e-Specialists and ATP Holders the type of conduct that is prohibited by the Exchange. While the proposal eliminates prescriptive requirements relating to the misuse of material non-public information, Specialists, e-Specialists and ATP Holders would remain subject to existing Exchange rules requiring them to establish and maintain systems to supervise their activities, and to create, implement, and maintain written procedures that are reasonably designed to comply with applicable securities laws and Exchange rules, including the prohibition on the misuse of material, nonpublic information.

The Exchange notes that the proposed rule change would still require that ATP Holders operating Specialists and e-Specialists maintain and enforce policies and procedures reasonably designed to ensure compliance with applicable federal securities laws and regulations and with Exchange rules. Even though there would no longer be pre-approval of Specialist information barriers, any Specialist/e-Specialist written policies and procedures would continue to be subject to oversight by the Exchange and therefore the elimination of prescribed restrictions should not reduce the effectiveness of the Exchange rules to protect against the misuse of material non-public information. Rather, ATP Holders will be able to utilize a flexible, principles-based approach to modify their policies and procedures as appropriate to reflect changes to their business model, business activities, or to the securities market itself. Moreover, while specified information barriers may no longer be required, an ATP Holder's business model or business activities may dictate that an information barrier or functional separation be part of the appropriate set of policies and procedures that would be reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules. The Exchange therefore believes that the proposed rule change will maintain the existing protection of investors and the public interest that is currently applicable to Specialists and e-Specialists, while at the same time removing impediments to and perfecting a free and open market by moving to a principles-based approach to protect against the misuse of material non-public information.

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, the Exchange believes that the proposal will enhance competition by allowing Specialists, e-Specialists and Market Makers to comply with applicable Exchange rules in a manner best suited to their business models, business activities, and the securities markets, thus reducing regulatory burdens while still ensuring compliance with applicable securities laws and regulations and Exchange rules. The Exchange believes that the proposal will foster a fair and orderly marketplace without being overly burdensome upon Specialists and e-Specialists.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* 15 U.S.C. 78o(g) and Rule 3(j).

(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–NYSEMKT–2015–23 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–NYSEMKT–2015–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–23 and should be submitted on or before May 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08449 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74678; File No. SR–NYSE–2015–15]

Self-Regulatory Organizations; New York Stock Exchange, LLC; Notice of Filing of Proposed Rule Change Amending Rule 13 and Related Rules Governing Order Types and Modifiers

April 8, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 24, 2015, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 13 and related rules governing order types and modifiers. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 5, 2014, in a speech entitled ''Enhancing Our Market Equity Structure,'' Mary Jo White, Chair of the Securities and Exchange Commission (''SEC'' or the ''Commission'') requested the equity exchanges to conduct a comprehensive review of their order types and how they operate in practice, and as part of this review, consider appropriate rule changes to help clarify the nature of their order types.[4] Subsequent to the Chair's speech, the SEC's Division of Trading and Markets requested that the equity exchanges complete their reviews and submit any proposed rule changes.[5]

The Exchange notes that it continually assesses its rules governing order types and undertook on its own initiative a review of its rules related to order functionality to assure that its various order types, which have been adopted and amended over the years, accurately describe the functionality associated with those order types, and more specifically, how different order types may interact. As a result of that review, the Exchange submitted a proposed rule change to delete rules relating to functionality that was not available.[6] In addition, over the years, when filing rule changes to adopt new functionality, the Exchange has used those filings as an opportunity to streamline related existing rule text for which functionality has not changed.[7]

The Exchange is filing this proposed rule change to continue with its efforts

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[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Mary Jo White, Chair, Securities and Exchange Commission, Speech at the Sandler, O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available at *www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwJiw).*

[5] *See* Letter from James Burns, Deputy Director, Division of Trading and Markets, Securities and Exchange Commission, to Jeffrey C. Sprecher, Chief Executive Officer, Intercontinental Exchange, Inc., dated June 20, 2014.

[6] *See* Securities Exchange Act Release No. 71897 (April 8, 2014), 79 FR 20953 (April 14, 2014) (SR–NYSE–2014–16) (''2014 Pegging Filing'') (amending rules governing pegging interest to conform to functionality that is available at the Exchange).

[7] *See, e.g.,* Securities Exchange Act Release Nos. 68302 (Nov. 27, 2012), 77 FR 71658 (Dec. 3, 2012) (SR–NYSE–2012–65) (amending rules governing pegging interest to, among other things, make non-substantive changes, including moving the rule text from Rule 70.26 to Rule 13, to make the rule text more focused and streamlined) (''2012 Pegging Filing''), *and* 71175 (Dec. 23, 2013), 78 FR 79534 (Dec. 30, 2013) (SR–NYSE–2013–21) (approval order for rule proposal that, among other things, amended Rule 70 governing Floor broker reserve e-quotes that streamlined the rule text without making substantive changes) (''2013 Reserve e-Quote Filing'').

to review and clarify its rules governing order types, as appropriate. Specifically, the Exchange notes that Rule 13 is currently structured alphabetically, and does not include subsection numbering. The Exchange proposes to provide additional clarity to Rule 13 by re-grouping and re-numbering current rule text and making other non-substantive, clarifying changes. The proposed rule changes are not intended to reflect changes to functionality but rather to clarify Rule 13 to make it easier to navigate.[8] In addition, the Exchange proposes to amend certain rules to remove references to functionality that is no longer operative.

Proposed Rule 13 Restructure

The Exchange proposes to re-structure Rule 13 to re-group existing order types and modifiers together along functional lines.

Proposed new subsection (a) of Rule 13 would set forth the Exchange's order types that are the foundation for all other order type instructions, *i.e.,* the primary order types. The proposed primary order types would be:

• Market Orders. Rule text governing Market Orders would be moved to new Rule 13(a)(1). The Exchange proposes a non-substantive change to replace the reference to ''Display Book'' with a reference to ''Exchange systems.''[9] The Exchange notes that it proposes to capitalize the term ''Market Order'' throughout new Rule 13.

• Limit Orders. Rule text governing Limit Orders would be moved to new Rule 13(a)(2). The Exchange proposes a non-substantive change to capitalize the term ''Limit Order,'' and to shorten the definition in a manner that streamlines the rule text without changing the meaning of the rule. The Exchange notes that it proposes to capitalize the term ''Limit Order'' throughout new Rule 13.

The Exchange notes that it proposes to delete the definition of ''Auto Ex Order'' because all orders entered electronically at the Exchange are eligible for automatic execution in accordance with Rules 1000–1004 and therefore the Exchange does not believe that it needs to separately define an Auto Ex Order. Rather than maintain a separate definition, the Exchange proposes to specify in proposed Rule 13(a) that all orders entered electronically at the Exchange are eligible for automatic execution consistent with the terms of the order and Rules 1000–1004. The Exchange notes that Rule 13 currently provides for specified instructions for orders that may not execute on arrival, even if marketable, *e.g.,* a Limit Order designated ALO, or may only be eligible to participate in an auction, accordingly, the terms of the order also control whether a marketable order would automatically execute upon arrival. The Exchange further proposes to specify that interest represented manually by Floor brokers, *i.e.,* orally bid or offered at the point of sale on the Trading Floor, is not eligible for automatic execution. The Exchange notes that the order types currently specified in the definition for auto ex order are already separately defined in Rule 13 or Rule 70(a)(ii) (definition of G order).

Proposed new subsection (b) of Rule 13 would set forth the existing Time in Force Modifiers that the Exchange makes available for orders entered at the Exchange. The Exchange proposes to: (i) Move rule text governing Day Orders to new Rule 13(b)(1), without any substantive changes to the rule text; (ii) move rule text governing Good til Cancelled Orders to new Rule 13(b)(2), without any substantive changes to the rule text; and (iii) move rule text governing Immediate or Cancel Orders to new Rule 13(b)(3) without any changes to rule text. The Exchange notes that these time-in-force conditions are not separate order types, but rather are modifiers to orders. Accordingly, the Exchange proposes to re-classify them as modifiers and remove the references to the term ''Order.'' In addition, as noted above, the Exchange proposes to capitalize the term ''Limit Order'' in Rule 13(b).

Proposed new subsection (c) of Rule 13 would specify the Exchange's existing Auction-Only Orders. In moving the rule text, the Exchange proposes the following non-substantive changes: (i) Capitalize the terms ''Limit Order,'' ''CO Order,'' and ''Market Order''; (ii) move the rule text for CO Orders to new Rule 13(c)(1); (iii) rename a ''Limit 'At the Close' Order'' as a ''Limit-on-Close (LOC) Order'' and move the rule text to new Rule 13(c)(2); (iv) rename a ''Limit 'On-the-Open' Order'' as a ''Limit-on-Open (LOO) Order'' and move the rule text to new Rule 13(c)(3); (v) rename a ''Market 'At-the-Close' Order'' as a ''Market-on-Close (MOC) Order'' and move the rule text to new Rule 13(c)(4); and (vi) rename a ''Market 'On-the-Open' Order'' as a ''Market-on-Open (MOO) Order'' and move the rule text to new Rule 13(c)(5).

Proposed new subsection (d) of Rule 13 would specify the Exchange's existing orders that include instructions not to display all or a portion of the order. The order types proposed to be included in this new subsection are:

• Mid-point Passive Liquidity (''MPL'') Orders. Existing rule text governing MPL Orders would be moved to new Rule 13(d)(1) with non-substantive changes to capitalize the term Limit Order, update cross references, and refer to ''Add Liquidity Only'' as ALO, since ALO is now a separately defined term in new Rule 13(e)(1). The Exchange also proposes to clarify the rule text by deleting the term ''including'' from the phrase ''[a]n MPL Order is not eligible for manual executions, including openings, re-openings, and closings,'' because MPL Orders would not participate in an opening, re-opening, or closing that is effectuated electronically.[10] The Exchange further proposes to make a substantive amendment to the rule text set forth in new Rule 13(d)(1)(C) to specify that Exchange systems would reject an MPL Order on entry if the Minimum Triggering Volume (''MTV'') is larger than the size of the order and would reject a request to partially cancel a resting MPL Order if it would result in the MTV being larger than the size of the order and make conforming changes to the existing rule text. The Exchange would continue to enforce an MTV restriction if the unexecuted portion of an MPL Order with an MTV is less than the MTV. The Exchange believes that this proposed rule change would prevent an entering firm from causing an MPL Order to have an MTV that is larger than the order, thereby bypassing contra-side interest that is larger than the size of the MPL Order.[11] Finally, the Exchange proposes to make a non-substantive change to new Rule 13(d)(1)(E) to replace the term ''discretionary trade'' with ''d-Quote,'' because d-Quotes are the only type of Exchange interest that is eligible to include discretionary pricing instructions.[12]

[8] The Exchange notes that its affiliated exchanges, NYSE MKT LLC and NYSE Arca, Inc. are proposing similar restructuring of their respective order type rules to group order types and modifiers. *See* SR–NYSEMKT–2015–22 and SR–NYSEArca–2015–08.

[9] The Exchange proposes to replace the term ''Display book'' with the term ''Exchange systems'' when use of the term refers to the Exchange systems that receive and execute orders. The Exchange proposes to replace the term ''Display Book'' with the term ''Exchange's book'' when use of the term refers to the interest that has been entered and ranked in Exchange systems.

[10] *See* Rule 123C.10 (''Closings may be effectuated manually or electronically'') and Rule 123D(1) (''Openings may be effectuated manually or electronically'').

[11] The Exchange notes that because of technology changes associated with rejecting MPL Orders that have an MTV larger than the size of the order, the Exchange will announce by Trader Update when this element of the proposed rule change will be implemented.

[12] *See* Rule 70.25 (Discretionary Instructions for Bids and Offers Represented via Floor Broker Agency Interest Files (e-Quotes℠)).

• Reserve Orders. Existing rule text governing Reserve Orders would be moved to new Rule 13(d)(2) with non-substantive changes to capitalize the term ''Limit Order'' and hyphenate the term ''Non-Displayed.'' The Exchange proposes further non-substantive changes to the rule text governing Minimum Display Reserve Orders, which would be in new Rule 13(d)(2)(C), to clarify that a Minimum Display Reserve Order would participate in both automatic and manual executions. This is existing functionality relating to Minimum Display Reserve Orders [13] and the proposed rule text aligns with Rule 70(f)(i) governing Floor broker Minimum Display Reserve e-Quotes.[14] Similarly, the Exchange proposes non-substantive changes to the rule text governing Non-Displayed Reserve Orders, which would be in new Rule 13(d)(2)(D), to clarify that a Non-Displayed Reserve Order would not participate in manual executions. This is existing functionality relating to Non-Displayed Reserve Orders [15] and the proposed rule text aligns with Rule 70(f)(ii) governing Non-Display Reserve eQuotes excluded from the DMM.[16] Finally, in proposed new Rule 13(d)(2)(E), the Exchange proposes to clarify that the treatment of reserve interest, which is available for execution only after all displayable interest at that price point has been executed, is applicable to all Reserve Orders, and is not limited to Non-Displayed Reserve Orders.[17]

Proposed new subsection (e) of Rule 13 would specify the Exchange's existing order types that, by definition, do not route. The order types proposed to be included in this new subsection are:

• Add Liquidity Only (''ALO'') Modifiers. Existing rule text governing ALO modifiers would be moved to new Rule 13(e)(1) with non-substantive changes to capitalize the term ''Limit Order'' and update cross-references. Existing rule text that is being moved to new Rule 13(e)(1)(A) currently provides that Limit Orders designated ALO may participate in opens and closes, but that the ALO instructions would be ignored. Because Limit Orders designated ALO could also participate in re-openings, and the ALO instructions would similarly be ignored, the Exchange proposes to clarify new Rule 13(e)(1)(A) to provide that Limit Orders designated ALO could participate in openings, re-openings, and closings, but that the ALO instructions would be ignored.

• Do Not Ship (''DNS'') Orders. Existing rule text governing DNS Orders would be moved to new Rule 13(e)(2) with non-substantive changes to capitalize the term ''Limit Order'' and replace the reference to ''Display Book'' with a reference to ''Exchange systems.''

• Intermarket Sweep Order. Existing rule text governing ISOs would be moved to new Rule 13(e)(3) with non-substantive changes to capitalize the term ''Limit Order'', update cross-references, and replace the reference to ''Display Book'' with a reference to ''Exchange's book.''

Proposed new subsection (f) of Rule 13 would specify the Exchange's other existing order instructions and modifiers, including:

• Do Not Reduce (''DNR'') Modifier. Existing rule text governing DNR Orders would be moved to new Rule 13(f)(1) with non-substantive changes to capitalize the terms ''Limit Order'' and ''Stop Order.'' In addition, the Exchange believes that because DNR instructions would be added to an order, DNR is more appropriately referred to as a modifier rather than as an order type.

• Do Not Increase (''DNI'') Modifiers. Existing rule text governing DNI Orders would be moved to new Rule 13(f)(2) with non-substantive changes to capitalize the terms ''Limit Order'' and ''Stop Order.'' In addition, the Exchange believes that because DNI instructions would be added to an order, DNI is more appropriately referred to as a modifier rather than as an order type.

• Pegging Interest. Existing rule text governing Pegging Interest and related subsections would be moved to new Rule 13(f)(3) with two clarifying changes to the existing rule text. First, because Pegging Interest is currently available for e-Quotes and d-Quotes only, the Exchange proposes to replace the term ''can'' with the term ''must'' in new Rule 13(f)(3)(a)(i) to provide that Pegging Interest ''must be an e-Quote or d-Quote.'' Second, the Exchange proposes to delete reference to the term ''Primary Pegging Interest,'' because the Exchange has only one form of pegging interest.[18]

• Retail Modifiers. Existing rule text governing Retail Modifiers and related subsections would be moved to new Rule 13(f)(4) with non-substantive changes to update cross-references.

• Self-Trade Prevention (''STP'') Modifier. Existing rule text governing STP Modifiers and related subsections would be moved to new Rule 13(f)(5) with non-substantive changes to capitalize the terms ''Limit Orders,'' ''Market Orders,'' and ''Stop Orders'' and hyphenate the term ''Self-Trade Prevention.''

• Sell ''Plus''—Buy ''Minus'' Instructions. Existing rule text governing Sell ''Plus''—Buy ''Minus'' Orders would be moved to new Rule 13(f)(6) with non-substantive changes to break the rule into subsections, capitalize the terms ''Market Order,'' ''Limit Order,'' and ''Stop Order,'' and replace the references to Display Book with references to Exchange systems. In addition, the Exchange proposes to re-classify this as an order instruction rather than as a separate order.

• Stop Orders. Existing rule text governing Stop Orders would be moved to new Rule 13(f)(7) with non-substantive changes to break the rule into subsections, capitalize the term ''Market Order,'' and replace references to ''Exchange's automated order routing system'' with references to ''Exchange systems.''

As part of the proposed restructure of Rule 13, the Exchange proposes to move existing rule text in Rule 13 governing the definition of ''Routing Broker'' to Rule 17(c), without any change to the rule text. The Exchange believes that Rule 17 is a more logical location for the definition of Routing Broker because Rule 17(c) governs the operations of Routing Brokers.

In addition, the Exchange proposes to delete existing rule text in Rule 13 governing Not Held Orders and add rule text relating to not held instructions to supplementary material .20 to Rule 13. Supplementary material .20 to Rule 13 reflects obligations that members have in handling customer orders. Because not held instructions are instructions from a customer to a member or member organization regarding the handling of an order, and do not relate to instructions accepted by Exchange systems for execution, the Exchange believes that references to not held instructions are better suited for this existing supplementary material.

Accordingly, the Exchange proposes to amend supplementary material .20 to

[13] *See* Securities Exchange Act Release No. 57688 (April 18, 2008), 73 FR 22194 at 22197 (April 24, 2008) (SR–NYSE–2008–30) (order approving rule change that, among other things, adopted new Reserve Order for which the non-displayed portion of the order is eligible to participate in manual executions) (''2008 Reserve Order Filing'').

[14] *See* 2013 Reserve e-Quote Filing, *supra* n. 7.

[15] *See* Securities Exchange Act Release No. 58845 (Oct. 24, 2008), 73 FR 64379 at 64384 (Oct. 29, 2008) (SR–NYSE–2008–46) (order approving the Exchange's New Market Model, including adopting a Non-Displayed Reserve Order that would not be eligible to participate in manual executions).

[16] *See* 2013 Reserve e-Quote Filing, *supra* n. 7.

[17] *See* 2008 Reserve Order Filing *supra* n. 13 at 22196 (displayable portion of Reserve Order executed together with other displayable interest at a price point before executing with reserve portion of the order).

[18] *See* 2014 Pegging Filing, *supra* n. 6.

Rule 13 to add that generally, an instruction that an order is ''not held'' refers to an unpriced, discretionary order voluntarily categorized as such by the customer and with respect to which the customer has granted the member or member organization price and time discretion. The Exchange believes that this proposed amendment aligns the definition of ''not held'' with guidance from the Financial Industry Regulatory Authority, Inc. (''FINRA'') and other markets regarding not held instructions.[19] The Exchange notes that the existing Rule 13 text regarding how to mark a Not Held Order, *e.g.,* ''not held,'' ''disregard tape,'' ''take time,'' etc., are outdated references regarding order marking between a customer and a member or member organization. All Exchange members and member organizations that receive customer orders are subject to Order Audit Trail System (''OATS'') obligations, consistent with Rule 7400 Series and FINRA Rule 7400 Series, which require that order-handling instructions be documented in OATS. Among the order-handling instructions that can be captured in OATS is whether an order is not held.[20] The Exchange believes that these OATS-related obligations now govern how a member or member organization records order-handling instructions from a customer and therefore the terms currently set forth in Rule 13 relating to Not Held Orders are no longer necessary.

Finally, the Exchange proposes to amend Rule 70.25 governing d-Quotes to clarify that certain functionality set forth in the Rule is no longer available. Specifically, Rule 70.25(c)(ii) currently provides that a Floor broker may designate a maximum size of contra-side volume with which it is willing to trade using discretionary pricing instructions. Because this functionality is not available, the Exchange proposes to delete references to the maximum discretionary size parameter from Rules 70.25(c)(ii) and (c)(v). In addition, the Exchange proposes to amend Rule 70.25(c)(iv) to clarify that the circumstances of when the Exchange would consider interest displayed by other market centers at the price at which a d-Quote may trade are not limited to determining when a d-Quote's minimum or maximum size range is met. Accordingly, the Exchange proposes to delete the clause ''when determining if the d-Quote's minimum and/or maximum size range is met.'' The Exchange believes that the proposed changes to Rule 70.25(c) will provide clarity and transparency regarding the existing functionality relating to d-Quotes at the Exchange.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[21] in general, and furthers the objectives of Section 6(b)(5),[22] in particular, because 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 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. Specifically, the Exchange believes that the proposed restructuring of Rule 13, to group existing order types to align by functionality, would remove impediments to and perfect the mechanism of a free and open market by ensuring that members, regulators, and the public can more easily navigate the Exchange's rulebook and better understand the order types available for trading on the Exchange. In addition, the Exchange believes that the proposed revisions to Rule 13 promote clarity regarding existing functionality that has been approved in prior rule filings, but which may not have been codified in rule text.[23] Moreover, the Exchange believes that moving rule text defining a Routing Broker to Rule 17 represents a more logical location for such definition, thereby making it easier for market participants to navigate Exchange rules. Likewise, the Exchange believes the proposed changes to ''Not Held Order,'' to move it to supplementary material .20 to Rule 13 and revise the rule text to conform with guidance from FINRA and OATS requirements, would remove impediments to and perfect the mechanism of a free and open market and a national market system by applying a uniform definition of not held instructions across multiple markets, thereby reducing the potential for confusion regarding the meaning of not held instructions.

The Exchange further believes that the proposed amendment regarding MPL Orders to reject both MPL Orders with an MTV larger than the size of the order and instructions to partially cancel an MPL Order that would result in an MTV larger than the size of the order would remove impediments to and perfect the mechanism of a free and open market and national market system in general because it could potentially reduce the ability of a member organization from using MPL Orders to bypass contra-side interest that may be larger than the size of the MPL Order.

Finally, the Exchange believes that the proposed changes to Rule 70.25(c) would remove impediments to and perfect the mechanism of a free and open market and national market system in general because it assures that the Exchange's rules align with the existing functionality available at the Exchange for d-Quotes.

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 change is not designed to address any competitive issue but rather would re-structure Rule 13 and remove rule text that relates to functionality that is no longer operative, thereby reducing confusion and making the Exchange's rules easier to navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

[19] *See* FINRA Regulatory Notice 11–29, Answer 3 (June 2011) (''Generally, a 'not held' order is an unpriced, discretionary order voluntarily categorized as such by the customer and with respect to which the customer has granted the firm price and time discretion.''). *See also* Definition of Market Not Held Order on Nasdaq.com Glossary of Stock Market Terms, available at *http://www.nasdaq.com/investing/glossary/m/market-not-held-order.*

[20] *See* FINRA OATS Frequently Asked Questions—Technical, at T21 (''An order submitted by a customer who gives the broker discretion as to the price and time of execution is denoted as a ''Not Held'' order.''), available at *http://www.finra.org/Industry/Compliance/MarketTransparency/OATS/FAQ/P085542.*

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *See supra* nn. 13–18.

(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–NYSE–2015–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–15 and should be submitted on or before May 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08450 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Triumph Ventures Corp.; Order of Suspension of Trading

April 10, 2015.

It appears to the Securities and Exchange Commission that there is lack of current and accurate information concerning the securities of Triumph Ventures Corp., a Delaware corporation whose principal office is in Jerusalem, Israel (trading symbol TRVX quoted on OTC Link operated by OTC Markets Group, Inc.) because of questions regarding the accuracy of publicly available information about the company's control persons, officers, directors, and the ownership of its stock, including questions about the accuracy of statements in the company's annual report on Form 10–K for the fiscal year ended December 31, 2014, and in its registration statement on Form S–1 originally filed on March 4, 2014 and subsequently amended concerning the identification and description of the company's directors, officers, control persons and ownership.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EDT, April 10, 2015, through 11:59 p.m. EDT, on April 23, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–08638 Filed 4–10–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading

April 10, 2015

In the Matter of

AmTrust Financial Group, Inc.
Boston Restaurant Associates, Inc.
Clary Corp.
Conbraco Industries, Inc.
Dream Factory, Inc. (The)
Dynatem, Inc.
Employers General Insurance Group
K-tel International, Inc.
Maintenance Depot, Inc.
Manifold Capital Corp.
McM Corp.
Mt. Carmel Public Utility Co.
Muskoka Flooring Corp.
National Investment Managers, Inc.
Naylor Pipe Co.
Omega Ventures, Inc.
On Stage Entertainment, Inc.
Pachinko World, Inc.
Polyair Inter Pack Inc.
Setech, Inc.
Seven J Stock Farm, Inc.
TransCor Waste Services, Inc.
Valley Systems, Inc. (VSI Liquidation Corp.)
World Racing Group, Inc.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate public information concerning the securities of the issuers listed below.

1. It appears to the Securities and Exchange Commission that AmTrust Financial Group, Inc. is no longer an operating business. AmTrust Financial Group, Inc. was a Delaware corporation based in New York. The company is quoted on OTC Link, operated by OTC Markets Group Inc. (''OTC Link''), under the ticker symbol AFGP.
2. It appears to the Securities and Exchange Commission that Boston Restaurant Associates, Inc. has been taken private. Boston Restaurant Associates, Inc. is a Delaware corporation based in Massachusetts. The company is quoted on OTC Link under the ticker symbol BRAI.
3. It appears to the Securities and Exchange Commission that Clary Corp. has been taken private. Clary Corp. is a California corporation based in California. The company is quoted on OTC Link under the ticker symbol CLRY.
4. It appears to the Securities and Exchange Commission that Conbraco Industries, Inc. has been taken private. Conbraco Industries, Inc. is a North Carolina corporation based in North Carolina. The company is quoted on OTC Link under the ticker symbol CNIN.
5. It appears to the Securities and Exchange Commission that Dream

Factory, Inc. (The) is no longer an operating business. Dream Factory, Inc. (The) was a Nevada corporation based in Texas. The company is quoted on OTC Link under the ticker symbol DRMF.

6. It appears to the Securities and Exchange Commission that Dynatem, Inc. has been taken private. Dynatem, Inc. is a California corporation based in California. The company is quoted on OTC Link under the ticker symbol DYTM.

7. It appears to the Securities and Exchange Commission that Employers General Insurance Group is no longer an operating business. Employers General Insurance Group is a Delaware corporation based in Texas. The company is quoted on OTC Link under the ticker symbol EGIG.

8. It appears to the Securities and Exchange Commission that K-tel International, Inc. has been taken private. K-tel International, Inc. is a Minnesota corporation based in Canada. The company is quoted on OTC Link under the ticker symbol KTLI.

9. It appears to the Securities and Exchange Commission that Maintenance Depot, Inc. is no longer an operating business. Maintenance Depot, Inc. was a Florida corporation based in Florida. The company is quoted on OTC Link under the ticker symbol MDPO.

10. It appears to the Securities and Exchange Commission that Manifold Capital Corp. is no longer an operating business. Manifold Capital Corp. was a Delaware corporation based in New York. The company is quoted on OTC Link under the ticker symbol MANF.

11. It appears to the Securities and Exchange Commission that McM Corp. has been taken private. McM Corp. is a North Carolina corporation based in North Carolina. The company is quoted on OTC Link under the ticker symbol MMOR.

12. It appears to the Securities and Exchange Commission that Mt. Carmel Public Utility Co. has been taken private. Mt. Carmel Public Utility Co. is an Illinois corporation based in Illinois. The company is quoted on OTC Link under the ticker symbol MCPB.

13. It appears to the Securities and Exchange Commission that Muskoka Flooring Corp. is no longer an operating business. Muskoka Flooring Corp. was a Delaware corporation based in Delaware. The company is quoted on OTC Link under the ticker symbol MSKA.

14. It appears to the Securities and Exchange Commission that National Investment Managers, Inc. has been taken private. National Investment Managers, Inc. is a Florida corporation based in Ohio. The company is quoted on OTC Link under the ticker symbol NIVM.

15. It appears to the Securities and Exchange Commission that Naylor Pipe Co. has been taken private. Naylor Pipe Co. is an Illinois corporation based in Illinois. The company is quoted on OTC Link under the ticker symbol NAYP.

16. It appears to the Securities and Exchange Commission that Omega Ventures, Inc. is no longer an operating business. Omega Ventures, Inc. was a Nevada corporation based in Florida. The company is quoted on OTC Link under the ticker symbol OMVN.

17. It appears to the Securities and Exchange Commission that On Stage Entertainment, Inc. has been taken private. On Stage Entertainment, Inc. is a Nevada corporation based in Nevada. The company is quoted on OTC Link under the ticker symbol ONST.

18. It appears to the Securities and Exchange Commission that Pachinko World, Inc. is no longer an operating business. Pachinko World, Inc. was a Nevada corporation based in California. The company is quoted on OTC Link under the ticker symbol PCHW.

19. It appears to the Securities and Exchange Commission that Polyair Inter Pack Inc. has been taken private. Polyair Inter Pack Inc. is a Canadian entity based in Canada. The company is quoted on OTC Link under the ticker symbol PPKZ.

20. It appears to the Securities and Exchange Commission that Setech, Inc. has been taken private. Setech, Inc. is a Delaware corporation based in Tennessee. The company is quoted on OTC Link under the ticker symbol SETC.

21. It appears to the Securities and Exchange Commission that Seven J Stock Farm, Inc. has been taken private. Seven J Stock Farm, Inc. is a Texas corporation based in Texas. The company is quoted on OTC Link under the ticker symbol SVJJ.

22. It appears to the Securities and Exchange Commission that TransCor Waste Services, Inc. has been taken private. TransCor Waste Services, Inc. is a Florida corporation based in Florida. The company is quoted on OTC Link under the ticker symbol TRCW.

23. It appears to the Securities and Exchange Commission that Valley Systems, Inc. (VSI Liquidation Corp.) is no longer an operating business. Valley Systems, Inc. (VSI Liquidation Corp.) was a Delaware corporation based in Georgia. The company is quoted on OTC Link under the ticker symbol VSLC.

24. It appears to the Securities and Exchange Commission that World Racing Group, Inc. has been taken private. World Racing Group, Inc. is a Delaware corporation based in North Carolina. The company is quoted on OTC Link under the ticker symbol WRGP.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on April 10, 2015, through 11:59 p.m. EDT on April 23, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–08621 Filed 4–10–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74685; File No. SR–ICC–2014–24]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Granting Approval of Proposed Rule Change To Revise the ICC Risk Management Framework

April 8, 2015.

I. Introduction

On December 22, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2014–24 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 9, 2015.[3] On February 20, 2015, the Commission extended the time period in which to either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change to April 9, 2015.[4] 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–73980 (Jan. 5, 2015), 80 FR 1466 (Jan. 9, 2015) (SR–ICC–2014–24).

[4] Securities Exchange Act Release No. 34–74341 (Feb. 20, 2015), 80 FR 10551 (Feb. 26, 2015) (SR–ICC–2014–24).

II. Description of the Proposed Rule Change

ICC proposes revising the ICC Risk Management Framework to incorporate risk model enhancements related to Recovery Rate Sensitivity Requirements (''RRSR''), anti-procyclicality, and ICC's Guaranty Fund (''GF'') allocation methodology. ICC also proposes revisions which are intended to remove obsolete references and ensure consistency.

ICC proposes revising its Risk Management Framework to incorporate risk model parameter estimation enhancements related to the RRSR computations. ICC states that under its current ICC Risk Management Framework, recovery rate stress scenarios are explicitly incorporated in the RRSR computations and for Jump-to-Default (''JTD'') considerations. The quantity RRSR is designed to capture fluctuations due to potential changes of the market expected recovery rates. In calculating the RRSR, all instruments belonging to a Risk Factor (''RF'') or Risk Sub-Factor (''RSF'') are subjected to Recovery Rate (''RR'') stress scenarios to obtain resulting Profit/Loss (''P/L'') responses, and the worst scenario response is chosen for the estimation of the RF/RSF RRSR. The JTD analysis is designed to capture the unexpected potential losses associated with credit events for assumed single-name-specific set of RR stress values. The JTD responses are determined by using minimum and maximum RR levels. Currently, the RRSR and JTD computations use the same RR stress levels.

ICC proposes separating the RR stress levels for these two computations in order to introduce more dynamic and appropriate estimations of the RR stress levels for RRSR purposes. According to ICC, the RR levels for RRSR purposes will reflect a 5-day 99% Expected Shortfall (''ES'') equivalent risk measure associated with RR fluctuations. The proposal will also, as stated by ICC, eliminate index RRSR, as index RRs are not subject to market uncertainty, but rather driven by market conventions. ICC states that the dynamic feature of the RR stress level estimations is achieved by analyzing historical time series of RRs in order to calibrate a statistical model with a time varying volatility. Under this approach, ICC calculates, the RRSR will capture the exposure to RR fluctuations over a 5-day risk horizon described by 99% ES equivalent risk measure.

Additionally, ICC proposes revising its Risk Management Framework to incorporate a portfolio level anti-procyclicality analysis that features price changes observed during and immediately after the Lehman Brothers (''LB'') default. In order to achieve an anti-procyclicality of Spread Response requirements, ICC proposes consideration of explicit price scenarios derived from the greatest price decrease and increase during and immediately after the LB default. According to ICC, these scenarios capture the default of a major participant in the credit market and the market response to the event. The introduced scenarios are defined in price space to maintain the stress severity during periods of low credit spread levels and high price when the Spread Response requirements computed under the current framework are expected to be lower.

Further, as explained by ICC, the price scenarios derived from the greatest price decrease and increase during and immediately after the LB default are explicitly incorporated into the GF sizing to ensure an anti-procyclical GF size behavior. ICC states that this enhancement also addresses a regulatory requirement as described in Article 30 of the Regulatory Technical Standards,[5] European Market Infrastructure Regulations.

Furthermore, ICC proposes enhancements to its GF allocation methodology. Currently, ICC states that the GF allocations reflect a risk ''silo'' approach, which separates each GF risk component. Under the current methodology, the allocation of GF reflects the Clearing Participants' (''CPs'') own riskiness in proportion to each GF risk component size and the increase or decrease of the ''silo'' size. Therefore, GF allocations can significantly fluctuate in response to position changes in the portfolios of the CPs that drive the GF size. ICC proposes modifying its methodology so that the GF allocations reflect the CPs' total uncollateralized losses across all GF risk components. According to ICC, under the proposed approach, the GF allocations are independent of the distribution of the uncollateralized losses across various GF risk components or ''silos'' and the fluctuation of each CP's uncollateralized losses within various GF risk components or ''silos.'' Additionally, ICC added clarifying language regarding how the GF computations are performed with explicit currency dependent expressions.

ICC also proposes certain non-substantive changes to the Risk Management Framework to address CFTC recommendations. Specifically, ICC proposes amending the Risk Management Framework to reflect ICC's current approach towards portfolio diversification, by unifying diversification and hedge thresholds and explicitly setting both to be equal to the lowest estimated sector Kendall Tau correlation coefficient. ICC also proposes clarifying language regarding how ICC meets its liquidity requirements.

Additionally, ICC proposes non-substantive changes throughout the framework to correct obsolete references. Specifically, ICC is removing language stating that the Chief Risk Officer is a dual employee of both ICC and its sister company, The Clearing Corporation. ICC is also removing language stating that The Clearing Corporation is the provider of risk management services to ICC. Furthermore, ICC is removing references to the ''U.K. Financial Services Authority'' and replacing with references to the ''U.K. Prudential Regulatory Authority.'' Finally, ICC is adding ''The European Securities and Markets Authority'' to the sample list of competent authorities for capital adequacy regulation listed in the framework.

ICC also proposes non-substantive changes throughout the Risk Management Framework to ensure consistency. ICC is updating the mission statement contained within the document to be consistent with ICC's Board-approved mission statement. Also, ICC is modifying the frequency by which the Risk Department monitors various risk metrics from a quarterly basis to a monthly basis to reflect actual business practices.

III. 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

[5] Commission Delegated Regulation (EU) No. 153/2013 of 19 December 2012 Supplementing Regulation (EU) No. 648/2012 of the European Parliament and of the Council with regard to Regulatory Technical Standards on Requirements for Central Counterparties (the ''Regulatory Technical Standards'').

[6] 15 U.S.C. 78s(b)(2)(C).

[7] 15 U.S.C. 78q–1(b)(3)(F).

settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions 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 [8] and the rules thereunder applicable to ICC, including the requirements of Rule 17Ad–22.[9] The Commission believes that the part of the proposal separating the RR stress levels for the JTD and RRSR computations would use a more robust and quantitative driven approach for establishing the RR stress scenarios, resulting in more dynamic and appropriate estimations of the RR stress levels for RRSR purposes. The Commission finds that the incorporation of the Lehman Brothers default price scenarios into the computation of the Spread Response requirements enhances the anti-procyclical feature of ICC's risk methodology. The Commission further finds that the proposed rule change that modifies the current GF allocation methodology to reflect the CPs' total uncollateralized losses across all GF components regardless of the fluctuation of the CPs' uncollateralized losses with respect to each GF component would result in more stable attributions of GF contributions to individual CP/client portfolios. Finally, the Commission finds that the proposed non-substantive and clarification changes are each designed to more accurately reflect ICC's current practices.

Therefore, the Commission believes that the proposal is designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC and, in general, to protect investors and the public interest, consistent with Section 17A(b)(3)(F) of the Act [10] and Rules 17Ad–22(b)(1), (2) and (3).[11]

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 [12] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (File No. SR–ICC–2014–24) be, and hereby is, approved.[14]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2015–08455 Filed 4–13–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q–1.

[9] 17 CFR 240.17Ad–22.

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 17 CFR 240.17Ad–22(b)(1), (2) and (3).

[12] 15 U.S.C. 78q–1.

[13] 15 U.S.C. 78s(b)(2).

[14] 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).

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 03/03–0252 issued to MidCap Financial SBIC, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: April 8, 2015.

Javier E. Saade,

Associate Administrator for Investment and Innovation.

[FR Doc. 2015–08504 Filed 4–13–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9097]

30-Day Notice of Proposed Information Collection: Evacuee Manifest and Promissory Note

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATE(S): Submit comments directly to the Office of Management and Budget (OMB) up to May 14, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, SA–17, 10th Floor, Washington, DC 20036 or at *RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Evacuee Manifest and Promissory Note.
- *OMB Control Number:* 1405–0211.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–5528.
- *Respondents:* U.S. citizens, U.S. non-citizen nationals, lawful permanent residents, and third country nationals applying for emergency loan assistance during an evacuation.
- *Estimated Number of Respondents:* 525.
- *Estimated Number of Responses:* 525.
- *Average Hours per Response:* 20 minutes.
- *Total Estimated Burden:* 175 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques

or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The purpose of the DS–5528 is to document the evacuation of persons from abroad when their lives are endangered by war, civil unrest, or natural disaster, document issuance of a crisis evacuation loan, obtain a Privacy Act waiver to share information about the welfare of a U.S. citizen or lawful permanent resident consistent with the Privacy Act of 1974, and to facilitate debt collection.

Methodology: An electronic version of the Evacuee Manifest and Promissory Note was created, allowing applicants to type their information into the form, print it, and present it to a consular officer at the evacuation point. Continued software development will provide the capability to electronically submit loan applications for adjudication. The final-stage of software development will not only allow the applicant to enter his/her information and submit the form, the information will also be made available for all stages of financial processing including the Department of State's debt collection process. Due to the potential for serious conditions during crisis events that often affect electronic and internet infrastructure systems, the electronic form will not replace the paper form. Rather, the paper form will still be maintained and used in the event that applicants are unable to submit forms electronically.

Dated: March 30, 2015.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizen Services, Department of State.

[FR Doc. 2015–08595 Filed 4–13–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9096]

30-Day Notice of Proposed Information Collection: Repatriation/Emergency Medical and Dietary Assistance Loan Application

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to May 14, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, SA–17, 10th Floor, Washington, DC 20036 or at *RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Repatriation/Emergency Medical and Dietary Assistance Loan Application.
- *OMB Control Number:* 1405–0150.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–3072.
- *Respondents:* U.S. Citizens applying for emergency loan assistance.
- *Estimated Number of Respondents:* 1,446.
- *Estimated Number of Responses:* 1,446.
- *Average Time per Response:* 20 minutes.
- *Total Estimated Burden Time:* 482 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The DS 3072 is an application for an emergency loan for a destitute U.S. citizen and/or eligible family member to return to the United States, an application for a destitute U.S. citizen and/or eligible family member abroad to receive emergency medical and dietary assistance, and an application for a U.S. citizen and/or and/or eligible family member to receive a loan to assist in his or her repatriation to the United States, and/or to provide them with the funds needed to address their emergency medical and/or dietary needs.

Methodology: The Bureau of Consular Affairs will post this form on Department of State Web sites to give respondents the opportunity to complete the form online, or print the form and fill it out manually and submit the form in person or by fax or mail.

Dated: March 30, 2015.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizen Services, Department of State.

[FR Doc. 2015–08597 Filed 4–13–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2015–0006]

Agency Information Collection Activities: Request for the Update of an Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below

under **SUPPLEMENTARY INFORMATION**. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 28, 2014. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 14, 2015.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2015–0006.

FOR FURTHER INFORMATION CONTACT: Rosemary Jones, 202–366–2042, Office of Real Estate Services, Federal Highway Administration, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: State Right-of-Way Operations Manuals.

Background: It is the responsibility of each State Department of Transportation (State) to acquire, manage and dispose of real property in compliance with the legal requirements of State and Federal laws and regulations. Part of providing assurance of compliance is to describe in a right-of-way procedural (operations) manual the organization, policies and procedures of the State to such an extent that these guide State employees, local acquiring agencies, and contractors who acquire and manage real property that is used for a federally funded transportation project. Procedural manuals assure the FHWA that the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) will be met. The State responsibility to prepare and maintain an up-to-date right-of-way procedural manual is set out in 23 CFR 710.201(c). Due to the amending of 23 CFR 710 regulations, a lengthy and in-depth update of each manual will be required. The revisions are prompted by enactment of the *Moving Ahead for Progress in the 21st Century Act* (MAP–21). The regulation allows States flexibility in determining how to meet the manual requirement. This flexibility allows States to prepare manuals in the format of their choosing, to the level of detail necessitated by State complexities. Each State decides how it will provide service to individuals and businesses affected by Federal or federally-assisted projects, while at the same time reducing the burden of government regulation. States are required to update manuals to reflect changes in Federal requirements for programs administered under Title 23 U.S.C. The State manuals may be submitted to FHWA electronically or made available by posting on the State Web site.

Respondents: 52 State Departments of Transportation, including the District of Columbia and Puerto Rico.

Frequency: A one-time collection due to regulatory revisions. Then States update their manuals on an annually basis and certify every 5 years.

Estimated Average Burden per Response: 225 hours per respondent.

Estimated Total Annual Burden Hours: 225 hours for each of the 52 State Departments of Transportation.

The total is 11,700 burden hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Dated: April 8, 2015.

Michael Howell,

Information Collection Officer.

[FR Doc. 2015–08503 Filed 4–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Mercedes-Benz Usa, LLC

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Mercedes-Benz USA, LLC's (MBUSA) petition for an exemption of the smart Line Chassis vehicle line in accordance with 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

DATES: The exemption granted by this notice is effective beginning with the 2016 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy, and Consumer Programs, NHTSA, W43–443, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated December 17, 2014, MBUSA requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Mercedes-Benz smart Line Chassis vehicle line beginning with MY 2016. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, MBUSA provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the smart Line Chassis vehicle line which includes the smart fortwo vehicle. MBUSA stated that its MY 2016 smart Line Chassis vehicle line will be equipped with its passive, transponder-based ignition immobilizer (FBS III/FBS IV) antitheft device and an access code-protected locking system as standard equipment. Key components of the immobilizer antitheft device will include the immobilizer, transmitter key, electronic ignition starter switch control unit (EIS), the body control module (ECM), and the engine control module (ECU). MBUSA stated that its immobilizer device is an interlinked system of control units which collectively perform the immobilizer function. The interlinked system includes the engine, EIS, transmitter key, ECU and ECM (including the fuel injection system) which independently calculates and matches a unique code. MBUSA stated that it is impossible to read the code from the vehicle in order to defeat the system. If a relevant query from the vehicle to the transmitter key is valid, operation of the vehicle will be authorized. MBUSA further stated that it will offer an audible and visible alarm

system as optional equipment on the line to detect unauthorized vehicle entry. MBUSA's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

MBUSA stated that the antitheft device is deactivated when the transmitter key has been inserted in the EIS and energy is transferred to the key to verify drive authorization. Verification of the correct key is transmitted over an infrared link between the key and the EIS. If the authentication check has recognized the correct key, the EIS will allow the key to be turned to the ''Start Engine'' position. MBUSA stated that when the key then reaches the ''Ignition on'' position, the authentication sequence in the ECM and ECU will start. The ECM then receives authorization from the EIS following authentication verification. MBUSA further stated that if the values from the authentication are identical, the ECM will authorize the start and operation of the vehicle will be allowed. Activation of the device occurs automatically when the key is removed from the ignition switch. Once activated, only a valid key with the correct code inserted into the ignition switch will disable immobilization and allow the vehicle to start and operate. MBUSA further stated that no other action by the operator other than turning the key is required to activate or deactivate the immobilizer.

In its submission, MBUSA stated that a locking/unlocking feature is also incorporated into the device. An encoded data exchange between the transmitter key and the vehicle's central controller for the lock/unlock feature (ECM) is carried out by radio signal. When an unlocking signal from the remote key sends a permanent and rolling code message to the vehicle's central ECU, the device will compare the permanent code with the stored code in the ECM. If the permanent codes match, the rolling codes are then compared. MBUSA stated that if both codes match, the locking system will unlock the doors, tailgate and fuel filler cover.

In addressing the specific content requirements of § 543.6, MBUSA provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, MBUSA conducted tests based on its own specified standards. MBUSA provided a detailed list of the tests conducted and believes that the device is reliable and durable since it complied with its own specified requirements for each test. MBUSA also conducted performance tests based on the Economic Commission for Europe's (ECE) specified standards. MBUSA provided a detailed list of the tests conducted and believes that the immobilizer device offered on the smart Line Chassis vehicle line is reliable and durable because the device complied with the specified requirements for each test.

MBUSA also stated that it believes that the immobilizer device offered on the smart Line Chassis vehicle line will be at least as effective as compliance with the parts-marking requirements of the theft prevention standard and as effective in deterring theft as it has been on other MBUSA vehicle lines that have been equipped with an antitheft device, as demonstrated by the low theft rate history of MBUSA vehicles. MBUSA stated that its proposed device is also functionally equivalent to the antitheft devices installed on the Mercedes-Benz S-Class, E-Class, C-Class, SLK-Class, SL-Class and NGCC Chassis vehicles, which the agency has exempted from the parts-marking requirements beginning with MYs 2006, 2007, 2008, 2009, 2011, and 2014 respectively. MBUSA also referenced theft rate data published by the agency comparing its proposed device to antitheft devices already installed in the BMW MINI, Honda Fit and Toyota Scion xB vehicle lines. MBUSA stated that theft data published by the agency show that the average theft rate for the BMW MINI Cooper with an immobilizer device was 0.4422 in MY/CY 2010 and 0.3413 in MY/CY 2012. MBUSA also referenced theft rate data published by the agency for the Honda Fit and Toyota Scion xB vehicle lines (with immobilizers) which showed a theft rate of 0.3118 and 0.2167 (MY/CYs 2011 and 2012) for the Honda Fit and 1.1553 and 0.5110 (MY/CYs 2011 and 2012) for the Toyota Scion xB respectively. MBUSA stated that it believes that this data also indicates that the immobilizer device was effective in contributing to an average reduction of 22.8%, 30.5%, and 47.7% reduction in the theft rate of the BMW MINI Cooper, Honda Fit and Toyota Scion xB, respectively. MBUSA also stated it believes that the data indicates the immobilizer device was effective in contributing to an average reduction of 29.9% in the theft rate for the SL-Line Chassis when theft rates for the vehicle line dropped from 1.4170 (CY 2005) to 1.0460 (CY 2007).

Based on the supporting evidence submitted by MBUSA on its device, the agency believes that the device is substantially similar to devices installed in other vehicle lines for which the agency has already granted exemptions and that the antitheft device for the smart Line Chassis vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541).

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that MBUSA has provided adequate reasons for its belief that the antitheft device for the MBUSA smart vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information MBUSA provided about its antitheft device.

The agency concludes that the device will provide four of the five types of performance listed in § 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full MBUSA's petition for exemption for the MBUSA smart Line Chassis vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If MBUSA decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if MBUSA wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Under authority delegated in 49 CFR part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–08491 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0084]

Data Modernization Sampling Information

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Announcement of webinar.

SUMMARY: NHTSA has redesigned the National Automotive Sampling System (NASS). Through this notice, NHTSA is announcing a public webinar to provide information about the two new surveys that will replace NASS: Crash Report Sampling System (CRSS) and Crash Investigation Sampling System (CISS). NHTSA will describe the samples designs and answer questions related to the samples. The webinar will be available via the web and requires internet access.

DATES: NHTSA will hold the webinar on April 29, 2015, from 1:30 p.m. to 3:00 p.m., EDT. The presentation will be available through internet access only via the web. NHTSA will post specific information on how to participate via the Internet on the NHTSA Web site at *www.nhtsa.gov* one week before the event.

FOR FURTHER INFORMATION CONTACT: For information concerning the webinar or access via the Internet, please contact Raj Subramanian, National Center for Statistics and Analysis, NHTSA (telephone: 202–366–3365 or email: *raj.subramanian@dot.gov*).

SUPPLEMENTARY INFORMATION: The webinar will allow interested persons to learn more about NHTSA's newly designed nationally representative samples that will replace NASS.

Background

NHTSA is undertaking a modernization effort to upgrade the National Automotive Sampling System (NASS) by improving the information technology infrastructure, updating and prioritizing the data collected, reselecting the sample sites and sample sizes, re-examining the electronic formats in which the crash data files are made available to the public, and improving data collection methods and quality control procedures, among other activities. This project is called the Data Modernization (DataMod) Project.

NASS collects crash data on a nationally representative sample of police-reported motor vehicle traffic crashes and related injuries. NASS data are used by Federal, State, and local government agencies, as well as by industry and academia in the U.S. and around the world. The data enable stakeholders to make informed regulatory, program, and policy decisions regarding vehicle design and traffic safety. The NASS system currently has two components: The General Estimates System (GES) and the Crashworthiness Data System (CDS). While the GES captures information on all types of traffic crashes, the CDS focuses on more severe crashes involving passenger vehicles to better document the consequences to vehicles and occupants in crashes—*i.e.,* crashworthiness.

NASS was originally designed in the 1970's, and has not received significant revision since that time with regard to the type of data collected and the sites for data collection. Over the last three decades NHTSA understands that the scope of traffic safety studies has expanded and the data needs of the transportation community have increased and significantly changed. In addition, the distribution of the U.S. population has shifted over the past four decades, and there is a growing need for the collection of information that addresses issues of crash avoidance. Recognizing the importance of this data, NHTSA is pursuing the DataMod Project to enhance the quality of the data collected and the overall effectiveness of the NASS.

As part of the Data Modernization project, NHTSA has redesigned the NASS. It will be replaced with two new surveys:

- CRSS will be a records-based data collection system similar to the current GES and will continue to provide the annual, nationally representative estimates of police-reported motor vehicle crashes overall. In addition, CRSS will provide estimates by type of vehicle, and for a broad range of vehicle and crash characteristics that are needed to fully describe current highway safety and to track motor vehicle crash trends.
- CISS is an investigation-based system similar to the current CDS and will collect accurate, detailed information about a nationally representative selection of passenger vehicle crashes that involve a passenger vehicle towed from the crash scene. Researchers will investigate crashes a few days after the crash gathering information from a variety of sources: crash site inspection, vehicle inspections, interviews, medical records and others. CISS will have enhanced pre-crash data and data on the presence and use of crash avoidance technologies.

Information on the current NASS sample, coding instructions, and descriptive materials can be reviewed on NHTSA's Web site at: *http://nhtsa.gov/NASS.* Information on the Data modernization project and the report to Congress on *NHTSA's Review of the National Automotive Sample System* can be reviewed at: *http://www.nhtsa.gov/NCSA.*

Public Webinar

NHTSA is hosting a public webinar to inform vehicle manufacturers and suppliers, the medical community, researchers, safety advocates and the general public about the new sample designs for CRSS and CISS. NHTSA will present a technical overview of the new sample designs covering the following topics:

Draft Topics

1. Welcome and Opening Remarks
2. Webinar Outline
3. Data Modernization
a. MAP–21
b. Data Needs
4. Sample Redesign: Why and How?

a. Current Systems: GES and CDS three-stage designs
b. Independence between CRSS and CISS samples
5. The CISS Sample Design
a. Scope
b. Frame, Stratification, Formation and Selection of each of the three stages (PSU, PJ and PAR)
c. Sample Allocation
6. The CRSS Sample Design
a. Scope
b. Frame, Stratification, Formation and Selection of each of the three stages (PSU, PJ and PAR)
c. Sample Allocation
7. Improvements in CISS/CRSS
a. Scalability and Flexibility
b. Precision of Estimates
c. MOS aligned with Data Needs
8. Ongoing and Upcoming Activities in Survey Modernization
a. Estimation Protocols
b. Calibration
c. Analytic Guidelines
9. Questions

The webinar will be open to the public. NHTSA will present the new sample designs starting at 1:30 p.m. The presentation will be about one hour. After the presentation NHTSA has scheduled 30 minutes to answer questions from the participants on the sample designs.

Participants may access the Webinar via the Internet and telephone. The telephone access number and other information on how to participate via the Internet will be posted on the NHTSA Web site at *www.nhsta.gov* one week before the event. For questions, contact Raj Subramanian at *raj.subramanian@dot.gov* or 202–366–3385.

Under authority delegated by 49 CFR 1.95.

Terry Shelton,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2015–08477 Filed 4–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Maserati North America Inc.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Maserati North America Inc.'s, (Maserati) petition for an exemption of the Ghibli vehicle line in accordance with 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

DATES: The exemption granted by this notice is effective beginning with the 2016 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, W43–439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated February 5, 2015, Maserati requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Ghibli vehicle line beginning with MY 2016. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Maserati provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Ghibli vehicle line. Maserati stated that all of its vehicles will be equipped with a passive, Sentry Key Immobilizer System (SKIS), a Vehicle Alarm System (VTA) and a Keyless Ignition System as standard equipment beginning with the 2016 model year. Key components of its SKIS antitheft device will include an Engine Power Control Module, Fuel Delivery and a Starter Motor Circuit. Maserati's keyless ignition system will consist of a Key Fob with Remote Keyless Entry (RKE) Transmitter, RFHub and Keyless Ignition Node (KIN). Key components of Maserati's VTA system are a hood ajar switch, security indicator, RFHub/Kin and FOBIK, an intrusion and inclination sensor, door ajar switches, an intrusion module and a central body controller. Maserati also stated that its VTA system will include an audible and visual feature that will provide perimeter protection that will monitors the vehicle doors, ignition switch and deck lid for unauthorized tampering, and an ultrasonic intrusion sensor, designed to detect motion within the vehicle. Maserati further stated that if unauthorized tampering with any of these protected areas is detected, the vehicle's horn/siren will sound and some of its exterior lamps will flash.

Maserati stated that the immobilizer device is automatically activated when the ignition is changed from the run position to the off position. Once activated, only the use of a valid key can disable immobilization and allow the vehicle to run. Specifically, Maserati stated that the device is deactivated by performing an unlock actuation via the RKE transmitter or by starting the vehicle with a valid RFHub key. Maserati stated that to start the vehicle, the driver must press and hold the brake pedal while pressing the START/STOP button. The system takes over and engages the starter causing the starter motor to run and disengage automatically when the engine is running. Maserati stated that the RFHub contains and controls the SKIS, preventing the engine from running more than 2 seconds unless a valid FOBIK key is used to start the engine. Maserati also stated that the vehicle's key fob with RKE transmitter, RFHub and the KIN contains over 50,000 possible electronic key combinations and allows the driver to operate the ignition switch with the push of a button as long as the RKE transmitter is in the passenger compartment.

Maserati's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of 543.6, Maserati provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Maserati conducted tests based on its own specified standards. Maserati provided a detailed list of the tests conducted (*i.e.,* low and high temperature exposure on system components, resistance for humidity, ice, water immersion, dust exposure, and drop shock on surfaces). Maserati also stated that the VTA, including the immobilizer device and its related components must meet design and durability requirements for full vehicle useful life (10 years/120k miles). Maserati stated that it believes that its device is reliable and durable because it complied with specified requirements for each test.

Maserati stated that based on MY 2010 theft data published by NHTSA, its

antitheft and immobilizer-installed vehicles have historically experienced extremely low to zero theft rates. Maserati informed the agency that its immobilizer antitheft device has been installed on its Quattroporte vehicles as standard equipment since MY 2007 and believes that its advanced. Maserati compared its Quattroporte vehicle line to its Ghibli vehicle line. Maserati stated that its Ghibli vehicle line incorporates identical vehicle/system architecture as its Quattroporte vehicle line. Maserati further stated that the vehicle powertrain, electrical and other vehicle systems are similar in construction and design as the Ghibli vehicle line. Theft rate data reported in **Federal Register** notices published by the agency show that the theft rate for the Quattroporte vehicle line, using an average of three MYs' data (2010–2012) is 0.0000, which is significantly lower than the median theft rate established by the agency. There is no available theft data for the Ghibli vehicle line. Maserati believes that the low theft rate experienced by the immobilizer-installed Quattroporte vehicle line demonstrates the effectiveness of the proposed immobilizer device to be installed on the Ghibli vehicle line.

Based on the supporting evidence submitted by Maserati on its device, the agency believes that the antitheft device for the Ghibli vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that Maserati has provided adequate reasons for its belief that the antitheft device for the Maserati Ghibli vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Maserati provided about its device.

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Maserati's petition for exemption for the Maserati Ghibli vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Maserati decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Maserati wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Under authority delegated in 49 CFR Part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–08490 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2015–0104; Notice No. 15–09]

Hazardous Materials: Explosive Approvals—Applicant Contact Information and Compliance With Special Provision 347

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Proposed termination of explosive approvals.

SUMMARY: PHMSA proposes to terminate the explosive approvals listed herein. PHMSA attempted to contact all of the below listed approval holders during the month of October 2014 via certified mail utilizing the addresses on file. The certified letters were returned by the United States Postal Service (USPS) as ''undeliverable.'' With the failure of the explosive approval holders to provide PHMSA with a valid company name and mailing address, the approvals listed below will be terminated 30 days after this notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Paquet, Director, Approvals and Permits Division, Office of Hazardous Materials Safety, (202) 366–4512, PHMSA, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Introduction

In this notice, PHMSA's Office of Hazardous Materials Safety (OHMS) is proposing to terminate the approvals listed below for the approval holders' failure to provide PHMSA with current valid contact information and failure to provide evidence that UN 6(d) testing has been performed in accordance with § 172.102 and Special Provision 347.

II. Background

On January 19, 2011, PHMSA published a final rule (76 FR 3308; HM–215K) titled *''Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for*

the Safe Transport of Dangerous Goods by Air''. The final rule amended special provision 347 to require successful testing according to UN Test Series 6(d) of Part I of the UN Manual of Tests and Criteria. This change affected explosives classified as Division 1.4S, and impacted eight UN Numbers, including: UN0323, UN0366, UN0441, UN0445, UN0455, UN0456, UN0460, and UN0500. This requirement became effective for transportation by aircraft on July 1, 2011, for transportation by vessel and international transportation by highway and rail on January 1, 2012, and for domestic highway and rail transportation on January 1, 2014. PHMSA has no records of the required UN 6(d) testing for the below listed EX number(s) and has no valid contact information for the holders.

III. Action

PHMSA will terminate the below listed approvals 30 days after this notice is published in the **Federal Register**, unless the holder requests reconsideration as outlined in 49 CFR 107.715.

IV. Approvals Scheduled for Termination

EX No.	Holder/Company
EX1980120002	Universal Propulsion Co., Inc. (form. Space Ordn.).
EX1980120003	Universal Propulsion Co., Inc. (form. Space Ordn.).
EX1980120004	Universal Propulsion Co., Inc. (form. Space Ordn.).
EX1980120005	Universal Propulsion Co., Inc. (form. Space Ordn.).
EX1981010001	OEA Aerospace, Inc. (formerly ET, Inc.).
EX1982050030	IRECO, Incorporated.
EX1983090243	Western Atlas International.
EX1983100226	OEA, Inc.
EX1983120221	Owen Oil Tools, Inc.
EX1983120222	Owen Oil Tools, Inc.
EX1983120223	Owen Oil Tools, Inc.
EX1983120224	Owen Oil Tools, Inc.
EX1983120225	Owen Oil Tools, Inc.
EX1983120226	Owen Oil Tools, Inc.
EX1983120227	Owen Oil Tools, Inc.
EX1983120228	Owen Oil Tools, Inc.
EX1983120229	Owen Oil Tools, Inc.
EX1983120232	Owen Oil Tools, Inc.
EX1983120234	Owen Oil Tools, Inc.
EX1983120236	Owen Oil Tools, Inc.
EX1983120238	Owen Oil Tools, Inc.
EX1983120239	Owen Oil Tools, Inc.
EX1983120240	Owen Oil Tools, Inc.
EX1983120241	Owen Oil Tools, Inc.
EX1983120242	Owen Oil Tools, Inc.
EX1983120244	Owen Oil Tools, Inc.
EX1983120245	Owen Oil Tools, Inc.
EX1983120246	Owen Oil Tools, Inc.
EX1983120248	Owen Oil Tools, Inc.
EX1983120250	Owen Oil Tools, Inc.
EX1983120251	Owen Oil Tools, Inc.
EX1983120252	Owen Oil Tools, Inc.
EX1983120253	Owen Oil Tools, Inc.
EX1983120254	Owen Oil Tools, Inc.
EX1983120255	Owen Oil Tools, Inc.
EX1983120256	Owen Oil Tools, Inc.
EX1983120257	Owen Oil Tools, Inc.
EX1983120258	Owen Oil Tools, Inc.
EX1983120259	Owen Oil Tools, Inc.
EX1983120260	Owen Oil Tools, Inc.
EX1983120261	Owen Oil Tools, Inc.
EX1983120262	Owen Oil Tools, Inc.
EX1983120263	Owen Oil Tools, Inc.
EX1983120264	Owen Oil Tools, Inc.
EX1983120265	Owen Oil Tools, Inc.
EX1983120266	Owen Oil Tools, Inc.
EX1983120267	Owen Oil Tools, Inc.
EX1983120268	Owen Oil Tools, Inc.
EX1983120270	Owen Oil Tools, Inc.
EX1983120272	Owen Oil Tools, Inc.
EX1983120274	Owen Oil Tools, Inc.
EX1983120275	Owen Oil Tools, Inc.
EX1983120276	Owen Oil Tools, Inc.
EX1983120277	Owen Oil Tools, Inc.
EX1983120278	Owen Oil Tools, Inc.
EX1983120281	Owen Oil Tools, Inc.
EX1983120282	Owen Oil Tools, Inc.
EX1983120283	Owen Oil Tools, Inc.
EX1983120284	Owen Oil Tools, Inc.
EX1983120285	Owen Oil Tools, Inc.
EX1983120286	Owen Oil Tools, Inc.

EX No.	Holder/Company
EX1983120287	Owen Oil Tools, Inc.
EX1983120290	Owen Oil Tools, Inc.
EX1983120292	Owen Oil Tools, Inc.
EX1983120293	Owen Oil Tools, Inc.
EX1983120294	Owen Oil Tools, Inc.
EX1983120295	Owen Oil Tools, Inc.
EX1983120296	Owen Oil Tools, Inc.
EX1983120297	Owen Oil Tools, Inc.
EX1983120298	Owen Oil Tools, Inc.
EX1983120300	Owen Oil Tools, Inc.
EX1983120302	Owen Oil Tools, Inc.
EX1983120304	Owen Oil Tools, Inc.
EX1983120306	Owen Oil Tools, Inc.
EX1983120307	Owen Oil Tools, Inc.
EX1983120308	Owen Oil Tools, Inc.
EX1983120309	Owen Oil Tools, Inc.
EX1983120312	Owen Oil Tools, Inc.
EX1984010007	J. G. Dapkus Company, Inc.
EX1984020312	Accurate Energetic Systems, LLC.
EX1984020313	Accurate Energetic Systems, LLC.
EX1984020314	Accurate Energetic Systems, LLC.
EX1984030026	IRECO, Incorporated.
EX1984030029	IRECO, Incorporated.
EX1984030030	IRECO, Incorporated.
EX1984030031	IRECO, Incorporated.
EX1984030032	IRECO, Incorporated.
EX1984040270	Accurate Energetic Systems, LLC.
EX1984040271	Accurate Energetic Systems, LLC.
EX1984040273	Accurate Energetic Systems, LLC.
EX1984040278	Accurate Energetic Systems, LLC.
EX1984040279	Accurate Energetic Systems, LLC.
EX1984040288	Accurate Energetic Systems, LLC.
EX1984040398	Universal Propulsion Company, Inc.
EX1984050014	Special Devices, Inc. (formerly Walter Kidde, Aerospace Operations).
EX1984050015	Special Devices, Inc. (formerly Walter Kidde, Aerospace Operations).
EX1984050016	Special Devices, Inc. (formerly Walter Kidde, Aerospace Operations).
EX1984050017	Special Devices, Inc. (formerly Walter Kidde, Aerospace Operations).
EX1984050018	Special Devices, Inc. (formerly Walter Kidde, Aerospace Operations).
EX1984050019	Special Devices, Inc. (formerly Walter Kidde, Aerospace Operations).
EX1985100053	Western Atlas International.
EX1985100054	Western Atlas International.
EX1985100055	Western Atlas International.
EX1986010022	Kidde-Fenwal, Inc. (formerly Fenwal Safety Systems, Inc.) (Fenwal, Inc.).
EX1986010023	Kidde-Fenwal, Inc. (formerly Fenwal Safety Systems, Inc.) (Fenwal, Inc.).
EX1986010024	Fenwal Safety Systems, Inc. (Fenwal, Inc.).
EX1986040051K	Olin Corporation.
EX1986040051L	Olin Corporation.
EX1986040051O	Olin Corporation.
EX1986040051P	Olin Corporation.
EX1986110020	Universal Propulsion Company, Inc.
EX1986110021	Universal Propulsion Company, Inc.
EX1986110023	Universal Propulsion Company, Inc.
EX1987030052	OEA, Inc.
EX1987030053A	OEA, Inc.
EX1987040110	Western Atlas International.
EX1987060009	Western Atlas International.
EX1987060010	Western Atlas International.
EX1987060011	Western Atlas International.
EX1987060012	Western Atlas International.
EX1987060013	Western Atlas International.
EX1987060015	Western Atlas International.
EX1987060016	Western Atlas International.
EX1987060017	Western Atlas International.
EX1987060018	Western Atlas International.
EX1987060019	Western Atlas International.
EX1987070087	OEA Aerospace, Inc. (formerly ET, Inc.).
EX1987070185	Western Atlas International.
EX1987070186	Western Atlas International.
EX1987090044	Accurate Energetic Systems, LLC.
EX1987090045	Accurate Energetic Systems, LLC.
EX1987090046	Accurate Energetic Systems, LLC.
EX1987100240	OEA, Inc.
EX1987100331	OEA, Inc.
EX1987110029	UniDynamics Phoenix, Inc.

EX No.	Holder/Company
EX1988010031	OEA, Inc.
EX1988010142	Western Atlas International.
EX1988010143	Western Atlas International.
EX1988010144	Western Atlas International.
EX1988060131	IRECO, Incorporated.
EX1988070009	OEA, Inc.
EX1988070199	IRECO, Incorporated.
EX1988070221	Scot, Inc.
EX1988080059	OEA, Inc.
EX1988090088	OEA, Inc.
EX1988090117	IRECO, Incorporated.
EX1988100153	Western Atlas International.
EX1988100154	Western Atlas International.
EX1988110121	Scot, Inc.
EX1988110187A	OEA, Inc.
EX1988110190	Western Atlas International.
EX1988110191	Western Atlas International.
EX1988110192	Western Atlas International.
EX1988120026	Western Atlas International.
EX1988120027	Western Atlas International.
EX1988120028	Western Atlas International.
EX1989010062	IRECO, Incorporated.
EX1989010064	IRECO, Incorporated.
EX1989010208	Western Atlas International.
EX1989010209	Western Atlas International.
EX1989010210	Western Atlas International.
EX1989010270	Accurate Energetic Systems, LLC.
EX1989070040	Accurate Energetic Systems, LLC.
EX1989090006	Baker Hughes (formerly Western Atlas International).
EX1989090033	OEA, Inc.
EX1989100038	OEA, Inc.
EX1989100039	OEA, Inc.
EX1989100070	IRECO, Incorporated.
EX1989120132	Tracor Aerospace, Inc.
EX1990050086	OEA, Inc.
EX1990050113	Western Atlas International.
EX1990050114	Western Atlas International.
EX1990060128	Mecano-Tech, Inc.
EX1990060129	Mecano-Tech, Inc.
EX1990070038	Western Atlas International (form. Dresser Atlas).
EX1990070039	Western Atlas International (form. Dresser Atlas).
EX1990070085	Jet Research Center, Inc.
EX1990070086	Jet Research Center, Inc.
EX1990070087	Jet Research Center, Inc.
EX1990070088	Jet Research Center, Inc.
EX1990070089	Jet Research Center, Inc.
EX1990070090	Jet Research Center, Inc.
EX1990070091	Jet Research Center, Inc.
EX1990070092	Jet Research Center, Inc.
EX1990070093	Jet Research Center, Inc.
EX1990070094	Accurate Energetic Systems, LLC.
EX1990070095	Accurate Energetic Systems, LLC.
EX1990070096	Accurate Energetic Systems, LLC.
EX1990070097	Accurate Energetic Systems, LLC.
EX1990070098	Accurate Energetic Systems, LLC.
EX1990070099	Accurate Energetic Systems, LLC.
EX1990070100	Accurate Energetic Systems, LLC.
EX1990070101	Accurate Energetic Systems, LLC.
EX1990070102	Accurate Energetic Systems, LLC.
EX1990070103	Accurate Energetic Systems, LLC.
EX1990070104	Accurate Energetic Systems, LLC.
EX1990080010	IRECO, Incorporated.
EX1990080018	Woerner Engineering, Inc.
EX1990090125	Technical Ordnance, Inc.
EX1990090126	Technical Ordnance, Inc.
EX1990090128	Technical Ordnance, Inc.
EX1990090129	Technical Ordnance, Inc.
EX1990090130	Technical Ordnance, Inc.
EX1990090131	Technical Ordnance, Inc.
EX1990090132	Technical Ordnance, Inc.
EX1990090133	Technical Ordnance, Inc.
EX1990090134	Technical Ordnance, Inc.
EX1990090135	Technical Ordnance, Inc.
EX1990090136	Technical Ordnance, Inc.

EX No.	Holder/Company
EX1990090137	Technical Ordnance, Inc.
EX1990090138	Technical Ordnance, Inc.
EX1990090139	Technical Ordnance, Inc.
EX1990090140	Technical Ordnance, Inc.
EX1990090149	Western Atlas International (form. Dresser Atlas).
EX1990090150	Western Atlas International (form. Dresser Atlas).
EX1990090151	Western Atlas International (form. Dresser Atlas).
EX1990090152	Whittaker Ordnance.
EX1990090153	Whittaker Ordnance.
EX1990090154	Whittaker Ordnance.
EX1990090155	Whittaker Ordnance.
EX1990090156	Whittaker Ordnance.
EX1990090157	Whittaker Ordnance.
EX1990090158	Whittaker Ordnance.
EX1990100029	Technical Ordnance, Inc.
EX1990100100	TRW Safety Systems/Mesa.
EX1990110060	Talley Defense Systems, Inc.
EX1990110061	Talley Defense Systems, Inc.
EX1990110062	Talley Defense Systems, Inc.
EX1990110063	Talley Defense Systems, Inc.
EX1990110133	Ordtronex Corporation.
EX1991010052	Shaped Charge Specialist, Inc.
EX1991010053	Shaped Charge Specialist, Inc.
EX1991010054	Shaped Charge Specialist, Inc.
EX1991010055	Shaped Charge Specialist, Inc.
EX1991010056	Shaped Charge Specialist, Inc.
EX1991010057	Shaped Charge Specialist, Inc.
EX1991010058	Shaped Charge Specialist, Inc.
EX1991010059	Shaped Charge Specialist, Inc.
EX1991010060	Shaped Charge Specialist, Inc.
EX1991010061	Shaped Charge Specialist, Inc.
EX1991010062	Shaped Charge Specialist, Inc.
EX1991010063	Shaped Charge Specialist, Inc.
EX1991010064	Shaped Charge Specialist, Inc.
EX1991010065	Shaped Charge Specialist, Inc.
EX1991010066	Shaped Charge Specialist, Inc.
EX1991010197	Walter Kidde Aerospace, Inc.
EX1991020088	Universal Propulsion Company, Inc.
EX1991020089	Universal Propulsion Company, Inc.
EX1991020090	Universal Propulsion Company, Inc.
EX1991020180	Technical Ordnance, Inc.
EX1991030095	Technical Ordnance, Inc.
EX1991030095A	Technical Ordnance, Inc.
EX1991030106	Whittaker Ordnance.
EX1991030107	Whittaker Ordnance.
EX1991030109	Whittaker Ordnance.
EX1991050107	Alliant Techsystems, Inc.
EX1991050108	Alliant Techsystems, Inc.
EX1991060018	Quantic Industries, Inc.
EX1991060028	Unidynamics Phoenix, Inc.
EX1991060196	Walter Kidde Aerospace, Inc.
EX1991060231	Mecano-Tech, Inc.
EX1991060232	Mecano-Tech, Inc.
EX1991060233	Mecano-Tech, Inc.
EX1991060234	Mecano-Tech, Inc.
EX1991060235	Mecano-Tech, Inc.
EX1991060236	Mecano-Tech, Inc.
EX1991060254	Scot, Inc.
EX1991060255	Scot, Inc.
EX1991060256	Scot, Inc.
EX1991060287	OEA, Inc.
EX1991090138	Cadillac Motor Car Division General Motors Corp.
EX1991090139	Cadillac Motor Car Division General Motors Corp.
EX1991090140	Cadillac Motor Car Division General Motors Corp.
EX1991090141	Cadillac Motor Car Division General Motors Corp.
EX1991090142	Cadillac Motor Car Division General Motors Corp.
EX1991090143	Cadillac Motor Car Division General Motors Corp.
EX1991090144	Cadillac Motor Car Division General Motors Corp.
EX1991090145	Cadillac Motor Car Division General Motors Corp.
EX1991090146	Cadillac Motor Car Division General Motors Corp.
EX1991090147	Cadillac Motor Car Division General Motors Corp.
EX1991110064	Aerospatiale Helicopter Corporation.
EX1991110065	Aerospatiale Helicopter Corporation.
EX1991110066	Aerospatiale Helicopter Corporation.

EX No.	Holder/Company
EX1991110067	Aerospatiale Helicopter Corporation.
EX1991110068	Aerospatiale Helicopter Corporation.
EX1991110069	Aerospatiale Helicopter Corporation.
EX1991110070	Aerospatiale Helicopter Corporation.
EX1991110071	Aerospatiale Helicopter Corporation.
EX1991110072	Aerospatiale Helicopter Corporation.
EX1991110073	Aerospatiale Helicopter Corporation.
EX1991110074	Aerospatiale Helicopter Corporation.
EX1991110075	Aerospatiale Helicopter Corporation.
EX1991110076	Aerospatiale Helicopter Corporation.
EX1991110077	Aerospatiale Helicopter Corporation.
EX1991110078	Aerospatiale Helicopter Corporation.
EX1991110079	Aerospatiale Helicopter Corporation.
EX1991110080	Aerospatiale Helicopter Corporation.
EX1991110081	Aerospatiale Helicopter Corporation.
EX1991110082	Aerospatiale Helicopter Corporation.
EX1991110083	Aerospatiale Helicopter Corporation.
EX1991110084	Aerospatiale Helicopter Corporation.
EX1991110086	Aerospatiale Helicopter Corporation.
EX1991110087	Aerospatiale Helicopter Corporation.
EX1991110088	Aerospatiale Helicopter Corporation.
EX1991110089	Aerospatiale Helicopter Corporation.
EX1991110090	Aerospatiale Helicopter Corporation.
EX1991110091	Aerospatiale Helicopter Corporation.
EX1991110092	Aerospatiale Helicopter Corporation.
EX1991110093	Aerospatiale Helicopter Corporation.
EX1991110094	Aerospatiale Helicopter Corporation.
EX1991110095	Aerospatiale Helicopter Corporation.
EX1991110096	Aerospatiale Helicopter Corporation.
EX1991110097	Aerospatiale Helicopter Corporation.
EX1991110098	Aerospatiale Helicopter Corporation.
EX1991110099	Aerospatiale Helicopter Corporation.
EX1991110100	Aerospatiale Helicopter Corporation.
EX1991110101	Aerospatiale Helicopter Corporation.
EX1991110102	Aerospatiale Helicopter Corporation.
EX1991110103	Aerospatiale Helicopter Corporation.
EX1991110104	Aerospatiale Helicopter Corporation.
EX1991110105	Aerospatiale Helicopter Corporation.
EX1991110106	Aerospatiale Helicopter Corporation.
EX1991110107	Aerospatiale Helicopter Corporation.
EX1991110108	Aerospatiale Helicopter Corporation.
EX1991120040	OEA, Inc.
EX1992010149	Western Atlas International (form. Dresser Atlas).
EX1992010150	Western Atlas International (form. Dresser Atlas).
EX1992010151	Western Atlas International (form. Dresser Atlas).
EX1992010152	Western Atlas International (form. Dresser Atlas).
EX1992010153	Western Atlas International (form. Dresser Atlas).
EX1992010154	Western Atlas International (form. Dresser Atlas).
EX1992020124	Conax Florida Corporation.
EX1992030431	Falcon Jet Corporation.
EX1992030432	Falcon Jet Corporation.
EX1992030433	Falcon Jet Corporation.
EX1992030434	Falcon Jet Corporation.
EX1992040044	Technical Ordnance, Inc.
EX1992040045	Technical Ordnance, Inc.
EX1992040269	Falcon Jet Corporation.
EX1992060065	Walter Kidde Aerospace, Inc.
EX1992060066	Walter Kidde Aerospace, Inc.
EX1992070063	Baker Hughes (formerly Western Atlas International).
EX1992070064	Baker Hughes (formerly Western Atlas International).
EX1992070065	Baker Hughes (formerly Western Atlas International).
EX1992100238	Western Atlas International (form. Dresser Atlas).
EX1992100239	Western Atlas International (form. Dresser Atlas).
EX1992120053	OEA, Inc.
EX1992120130	Baker Hughes (formerly Western Atlas International).
EX1992120131	Baker Hughes (formerly Western Atlas International).
EX1992120132	Baker Hughes (formerly Western Atlas International).
EX1992120133	Baker Hughes (formerly Western Atlas International).
EX1993020028	OEA, Inc.
EX1993050173	ICI Explosives—Aerospace & Automotive Products.
EX1993060155	OEA, Inc.
EX1993070016	BHT Products, Inc.
EX1993070017	BHT Products, Inc.
EX1993070019	BHT Products, Inc.

EX No.	Holder/Company
EX1993070020	BHT Products, Inc.
EX1993070021	BHT Products, Inc.
EX1993080242	Western Atlas International (form. Dresser Atlas).
EX1993080243	Western Atlas International (form. Dresser Atlas).
EX1993080244	Western Atlas International (form. Dresser Atlas).
EX1993080245	Western Atlas International (form. Dresser Atlas).
EX1993080246	Western Atlas International (form. Dresser Atlas).
EX1993090030	OEA, Inc.
EX1993100267	OEA, Inc.
EX1993100268	OEA, Inc.
EX1993110117	BHT Products, Inc.
EX1993110118	BHT Products, Inc.
EX1993110273	OEA, Inc.
EX1993120121	Olin Corporation—Winchester Division.
EX1993120137	Ashimori Industry Co., Ltd.
EX1993120138	Ashimori Industry Co., Ltd.
EX1994020117	Western Atlas International (form. Dresser Atlas).
EX1994030007	High Energy International, Inc. (HEI).
EX1994030008	High Energy International, Inc. (HEI).
EX1994030009	High Energy International, Inc. (HEI).
EX1994030010	High Energy International, Inc. (HEI).
EX1994030011	High Energy International, Inc. (HEI).
EX1994030012	High Energy International, Inc. (HEI).
EX1994030013	High Energy International, Inc. (HEI).
EX1994030014	High Energy International, Inc. (HEI).
EX1994030057	Olin Corporation—Winchester Division.
EX1994030058	Olin Corporation—Winchester Division.
EX1994050229	OEA, Inc.
EX1994060076	OEA, Inc.
EX1994060077	OEA, Inc.
EX1994070273	TAAS Israel Industries Ltd.(form. Israel Military).
EX1994080121	Rockwell International Corporation.
EX1994090078	Dynamit Nobel AG.
EX1994090079	Dynamit Nobel AG.
EX1994090080	Dynamit Nobel AG.
EX1994090081	Dynamit Nobel AG.
EX1994100103	Ministry of Defence.
EX1995010114	Hi-Shear Technology Corp. (Owen Compliance Svcs.).
EX1995070015	Alliant Techsystems, Inc.
EX1995090005	Baker Oil Tools (formerly Baker Service Tools).
EX1995100039	ICI Explosives USA, Inc.
EX1995100040	ICI Explosives USA, Inc.
EX1995100139	Walter Kidde Aerospace, Inc.
EX1995100159	TRW Vehicle Safety Systems, Inc.
EX1995100159A	TRW Vehicle Safety Systems, Inc.
EX1995120033	ICI Explosives USA, Inc.
EX1996010080	ICI Explosives USA, Inc.
EX1996010081	ICI Explosives USA, Inc.
EX1996100137	Dynamit Nobel GmbH.
EX1997010130	Networks Electronic Corporation.
EX1997010131	TEMIC Bayern-Chemie Airbag GmbH.
EX1997010132	TEMIC Bayern-Chemie Airbag GmbH.
EX1997060032	ML Aviation Limited.
EX1997090019	Dynamit Nobel GmbH.
EX1997090021	Dynamit Nobel GmbH.
EX1997090022	Dynamit Nobel GmbH.
EX1997090023	Dynamit Nobel GmbH.
EX1997090024	Dynamit Nobel GmbH.
EX1997090025	Dynamit Nobel GmbH.
EX1997090026	Dynamit Nobel GmbH.
EX1997090027	Dynamit Nobel GmbH.
EX1997090028	Dynamit Nobel GmbH.
EX1997090030	Dynamit Nobel GmbH.
EX1997090031	Dynamit Nobel GmbH.
EX1997090032	Dynamit Nobel GmbH.
EX1997090134	Technical Ordnance, Inc.
EX1997100043	Fenwal Safety Systems, Inc.
EX1997110024	Scot, Inc.
EX1998030099	Dynamit Nobel GmbH.
EX1998030100	Dynamit Nobel GmbH.
EX1998030101	Dynamit Nobel GmbH.
EX1998030102	Dynamit Nobel GmbH.
EX1998030103	Dynamit Nobel GmbH.
EX1998050003	Lucas Aerospace Power Systems.

EX No.	Holder/Company
EX1999030158	Dyno Nobel North America, (Formerly, The Ensign-Bickford Company).
EX1999070075	Mass Systems, Inc.
EX1999070210	Advanced Concept Development, Inc.
EX1999070211	Advanced Concept Development, Inc.
EX1999100227	PyroAlliance.
EX1999120055	Dyno Nobel North America, (Formerly, The Ensign-Bickford Company).
EX2000040106	Quantic Industries, Inc.
EX2000080055	O'Brien Design Associates, Inc.
EX2000090045	Titan Completion Products, Ltd.
EX2000090083	Rocktek USA Ltd.
EX2000090124	Rocktek USA Ltd.
EX2000120142	Technical Ordnance, Inc.

Issued in Washington, DC on April 7, 2015 under authority delegated in 49 CFR Part 106.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2015–08470 Filed 4–13–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Capital Distribution

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995, PRA.

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Capital Distribution.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by May 14, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0310, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* 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.

All 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0310, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: oira *submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: 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., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting renewal of OMB's approval of the following information collection.

Title of Collection: Capital Distribution.

OMB Control Number: 1557–0310.

Form Number: 1583.

Description: Under the OCC's rules governing capital distributions at 12 CFR part 163, subpart E, a Federal savings association (FSA) must file a capital distribution application with the OCC if: (1) It is not eligible for expedited treatment under 12 CFR 116.5; (2) the total amount of the its capital distributions (including the proposed capital distribution) for the applicable calendar year exceeds its net income for that year to date, plus retained net income for the preceding two years; (3) it would not be at least adequately capitalized, as set forth in 12 CFR 6.4, after the capital distribution; or (4) the proposed capital distribution would violate any applicable statute, regulation, or agreement with the OCC or the OTS, or violate a condition imposed on it in connection with an application or notice approved by the OCC or the OTS. 12 CFR 163.143(a).

If an FSA is not required to file a capital distribution application, it may be required to file a capital distribution notice with the OCC if: (1) It would not be well capitalized following the capital distribution as set forth in 12 CFR 165.4(b)(1); (2) the proposed capital distribution would reduce the amount of or retire any part of its common or preferred stock, or retire any part of debt instruments (such as notes or debentures) included in capital under 12 CFR part 3 or part 167, as applicable, (other than regular payments required under a debt instrument approved under 12 CFR 163.81); or (3) it is a subsidiary of a savings and loan holding company. 12 CFR 163.143(b).

If neither an FSA nor its proposed capital distribution meet the criteria described above, the FSA is not required to file an application or notice with the OCC. 12 CFR 163.143(c). However, if the FSA is required to file a notice with the

Board of Governors of the Federal Reserve System (FRB) involving a cash dividend pursuant to 12 U.S.C. 1467a(f), it is required to provide an informational copy of the filing to the OCC under 12 CFR 163.143(d) at the same time the notice is filed with the FRB.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 10.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 11 hours.

On January 26, 2015, the OCC issued a notice regarding this collection for 60 days of comment (80 FR 4037). No comments were received. Comments continue to be solicited on:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of the OCC;

b. The accuracy of OCC'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 information collection on respondents, including through the use of information technology.

e. Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 8, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–08499 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Subordinated Debt

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Subordinated Debt.''

DATES: Comments must be submitted on or before June 15, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0320, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* 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 submit to security screening in order to inspect and photocopy comments.

All 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.

FOR FURTHER INFORMATION CONTACT: 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., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

OMB granted the OCC a six-month approval for the information collection requirements contained in the interim final rule entitled ''Subordinated Debt Issued by a National Bank.'' (December 2014 Interim Final Rule).[1] The OCC obtained this approval under existing OMB Control No. 1557–0320, which contained the information collection requirements in the interim final rule entitled ''Basel III Conforming Amendments Related to Cross-References, Subordinated Debt and Limits Based on Regulatory Capital.'' (February 2014 Interim Final Rule).[2] The OCC proposes to extend OMB approval of the entire information collection for the standard three years.

Title: Subordinated Debt.

OMB Control No.: 1557–0320.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

Burden Estimates:

Prepayment of Subordinated Debt in Form of Call Option: 184 Respondents; 1.30 burden hours per respondent; 239 total burden hours.

Authority to Limit Distributions: 42 Respondents; 0.5 hours per respondent; 21 total burden hours.

Total Burden: 260 hours.

Description: The OCC amended its rules governing subordinated debt twice in 2014. The first set of revisions, contained in the February 2014 Interim Final Rule, amended the rules applicable to both national banks and Federal savings associations (12 CFR 5.47 and 163.81, respectively). The second revisions, in the December 2014 Interim Final Rule, amended only the rules application to national banks.

The February 2014 Interim Final Rule revised the requirements of 12 CFR 5.47 applicable to national banks. Specifically, those revisions require that all national banks must receive prior OCC approval in order to prepay subordinated debt that is included in tier 2 capital and certain banks must receive prior OCC approval to prepay subordinated debt that is not included in tier 2 capital. If the prepayment is in the form of a call option and the subordinated debt is included in tier 2 capital, a national bank must submit the

[1] 79 FR 75417 (December 18, 2014).

[2] 79 FR 11300 (February 28, 2014).

information required for general prepayment requests under 12 CFR 5.47(g)(1)(ii)(A) [3] and also must comply with 12 CFR 5.47(g)(1)(ii)(B)(2) [4], which requires a national bank to submit either: (1) A statement explaining why the bank believes that following the proposed prepayment the bank would continue to hold an amount of capital commensurate with its risk or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance.

The February 2014 Interim Final Rule also revised the requirements of 12 CFR 163.81 [5] applicable to Federal savings associations. Specifically, those revisions require a Federal savings association to obtain prior OCC approval to prepay subordinated debt securities or mandatorily redeemable preferred stock (covered securities) included in tier 2 capital. In addition, if the prepayment is in the form of a call option, a Federal savings association must submit the information required for general prepayment requests under 12 CFR 163.81(j)(2)(i) and also comply with 12 CFR 163.81(j)(2)(ii)(A), which requires a Federal savings association to submit either: (1) A statement explaining why the Federal savings association believes that following the proposed prepayment the Federal savings association would continue to hold an amount of capital commensurate with its risk or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance.

The December 2014 Interim Final Rule revised 12 CFR 5.47 to add a disclosure requirement in 12 CFR 5.47(d)(3)(ii)(C). A national bank must describe in the subordinated debt note the OCC's authority under 12 CFR 3.11 to limit distributions, including interest payments on any tier 2 capital instrument, if the national bank has full discretion to permanently or temporarily suspend such payments without triggering an event of default.

[3] Appeared as § 5.47(n)(1)(ii)(B) in the February 2014 Interim Final Rule and subsequently redesignated as § 5.47(g)(1)(ii)(B).

[4] Appeared as § 5.47(n)(1)(ii)(A) in the February 2014 Interim Final Rule and subsequently redesignated as § 5.47(g)(1)(ii)(A).

[5] The OCC proposed to renumber this section as new § 5.56 in its proposed rule entitled ''Integration of National Bank and Federal Savings Association Regulations: Licensing Rules,'' 79 FR 33260 (June 10, 2014).

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: April 8, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–08498 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements; Information Collection Renewal; Submission for OMB Review; Release of Non-Public Information

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Release of Non-Public Information.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by May 14, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0200, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* 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.

All 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0200, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oirasubmission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: 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., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Release of Non-Public Information—12 CFR 4, Subpart C.

OMB No.: 1557–0200.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

The information requirements require individuals who are requesting non-public OCC information to provide the OCC with information regarding the legal grounds for the request. The

release of non-public OCC information to a requester without sufficient legal grounds to obtain the information would inhibit open consultation between a bank and the OCC thereby impairing the OCC's supervisory and regulatory mission. The OCC is entitled, under statute and case law, to require requesters to demonstrate that they have sufficient legal grounds for the OCC to release non-public OCC information. The OCC needs to identify the requester's legal grounds to determine if it should release the requested non-public OCC information.

The information requirements in 12 CFR part 4, subpart C, are as follows:

- 12 CFR 4.33: Request for non-public OCC records or testimony.
- 12 CFR 4.35(b)(3): Third parties requesting testimony.
- 12 CFR 4.37(a)(2): OCC former employee notifying OCC of subpoena.
- 12 CFR 4.37(a) and (b): Limitation on dissemination of released information.
- 12 CFR 4.38(a) and (b): Conditions on dissemination of released information.
- 12 CFR 4.39(d): Request for authenticated records or certificate of nonexistence of records.

The OCC uses the information to process requests for non-public OCC information and to determine if sufficient grounds exist for the OCC to release the requested information or provide testimony that would include a discussion of non-public information. This information collection facilitates the processing of requests and expedites the OCC's release of non-public information and testimony to the requester, as appropriate.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Number of Respondents: 83.

Frequency of Response: On occasion.

Total Annual Burden: 241 hours.

The OCC issued a notice for 60 days of comment on January 26, 2015 (80 FR 4038). No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: April 8, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–08497 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Investment Securities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Investment Securities.''

DATES: You should submit written comments by June 15, 2015.

ADDRESS: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0205, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* 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 submit to security screening in order to inspect and photocopy comments.

All 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.

FOR FURTHER INFORMATION CONTACT: 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., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval, without change, of the following information collection:

Title: Investment Securities.

OMB Control No.: 1557–0205.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

The information collection requirements in 12 CFR part 1 are as follows:

Under 12 CFR 1.3(h)(2), a national bank may request an OCC determination that it may invest in an entity that is exempt from registration under section 3(c)(1) of the Investment Company Act of 1940 [1] if the portfolio of the entity consists exclusively of assets that a national bank may purchase and sell for its own account. The OCC uses the information contained in the request as a basis for ensuring that the bank's investment is consistent with its investment authority under applicable law and does not pose unacceptable risk.

Under 12 CFR 1.7(b), a national bank may request OCC approval to extend the five-year holding period for securities held in satisfaction of debts previously contracted (DPC) for up to an additional five years. The bank must provide a clearly convincing demonstration of why any additional holding period is needed. The OCC uses the information in the request to ensure, on a case-by-case basis, that the bank's purpose in retaining the securities is not speculative and that the bank's reasons

[1] 15 U.S.C. 80a–3(c)(1).

for requesting the extension are adequate. The OCC also uses the information to evaluate the risks to the bank of extending the holding period, including potential effects on the bank's safety and soundness.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 25.

Estimated Total Annual Burden: 460 hours.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: April 8, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–08493 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; International Regulation

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled ''International Regulation.''

DATES: Comments must be received by June 15, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0102, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* 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 submit to security screening in order to inspect and photocopy comments.

All 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.

FOR FURTHER INFORMATION CONTACT: 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., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection without change:

Title: International Regulation—Part 28.

OMB Control No.: 1557–0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

12 CFR 28.3 Filing Requirements for Foreign Operations of a National Bank—Notice Requirement. A national bank shall notify the OCC when it files an application, notice, or report with the FRB [1] to establish or open a foreign branch, or acquire or divest of an interest in, or close, an Edge corporation, Agreement corporation, foreign bank, or other foreign organization; or opens a foreign branch, and no application or notice is required by the FRB for such transaction.

In practice, the OCC also has required an application pursuant to section 28.3(c) from a national bank seeking to join a foreign exchange, clearinghouse, or similar type of organization. In lieu of a notice, the OCC may accept a copy of an application, notice, or report submitted to another Federal agency that covers the proposed action and contains substantially the same information required by the OCC. A national bank shall furnish the OCC with any additional information the OCC may require in connection with the national bank's foreign operations.

12 CFR 28.14(c) Limitations Based Upon Capital of a Foreign Bank—Aggregation. A foreign bank shall aggregate business transacted by all Federal branches and agencies with the business transacted by all state branches and agencies controlled by the foreign bank in determining its compliance with limitations based upon the capital of the foreign bank. A foreign bank shall designate one Federal branch or agency office in the United States to maintain consolidated information so that the OCC can monitor compliance.

12 CFR 28.15(d), (d)(1), (d)(2), and (f) Capital Equivalency Deposits. A foreign bank should require its depository bank to segregate its capital equivalency deposits on the depository bank's books and records. The instruments making up the capital equivalency deposit that are placed in safekeeping at a depository bank to satisfy a foreign bank's capital equivalency deposit requirement must be maintained pursuant to an agreement prescribed by the OCC that shall be a written agreement entered into with the OCC. Each Federal branch or agency shall maintain a capital equivalency account and keep records of the amount of liabilities requiring capital equivalency coverage in a manner and form prescribed by the OCC. A foreign bank's capital equivalency deposits may not be reduced in value below the

[1] Board of Governors of the Federal Reserve System.

minimum required for that branch or agency without the prior approval of the OCC, but in no event below the statutory minimum.

12 CFR 28.16(c) Deposit-Taking by an Uninsured Federal branch—Application for an Exemption. A foreign bank may apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain deposit accounts that are not listed in section 28.16(b). The request should describe the types, sources, and estimated amount of such deposits and explain why the OCC should grant an exemption, and how the exemption maintains and furthers the policies described in section 28.16(a).

12 CFR 28.16(d) Deposit-Taking by an Uninsured Federal Branch—Aggregation of Deposits. A foreign bank that has more than one Federal branch in the same state may aggregate deposits in all of its Federal branches in that state, but exclude deposits of other branches, agencies, or wholly owned subsidiaries of the bank. The Federal branch shall compute the average amount by using the sum of deposits as of the close of business of the last 30 calendar days ending with, and including, the last day of the calendar quarter, divided by 30. The Federal branch shall maintain records of the calculation until its next examination by the OCC.

12 CFR 28.18(c)(1) Recordkeeping and Reporting—Maintenance of Accounts, Books, and Records. Each Federal branch or agency shall maintain a set of accounts and records reflecting its transactions that are separate from those of the foreign bank and any other branch or agency. The Federal branch or agency shall keep a set of accounts and records in English sufficient to permit the OCC to examine the condition of the Federal branch or agency and its compliance with applicable laws and regulations.

12 CFR 28.20(a)(1) Maintenance of Assets—General Rule. The OCC may require a foreign bank to hold certain assets in the state in which its Federal branch or agency is located.

12 CFR 28.22(e) Reports of Examination. The Federal branch or agency shall send the OCC certification that all of its Reports of Examination have been destroyed or return its Reports of Examination to the OCC.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 49.

Estimated Total Annual Burden: 2,284.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: April 8, 2015.

Mary H. Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2015–08494 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Orders 13382, 13573, and 13582

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of five persons whose property and interests in property are blocked pursuant to one or more of the following authorities: Executive Order (E.O.) 13382, E.O. 13573, and E.O. 13582.

DATES: OFAC's actions described in this notice were effective on March 31, 2015, as further specified below.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, 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

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On March 31, 2015, OFAC blocked the property and interests in property of the following three persons pursuant to E.O. 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'':

Entities:

1. DENISE COMPANY, Tayyouneh-Bdeir Building, 2nd Floor, Beirut, Lebanon [NPWMD].

2. SHADI FOR CARS TRADING, Tayyouneh-Bdeir Building, 2nd Floor, Beirut, Lebanon [NPWMD].

3. SIGMA TECH COMPANY, Fayez Mansour Street, Bldg No/35/-Floor No/2/Baramkeh, P.O. Box 34081, Damascus, Syria [NPWMD].

On March 31, 2015, OFAC blocked the property and interests in property of the following person pursuant to E.O. 13582, ''Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria'':

Individual:

1. RIDA, Batoul; DOB 01 Jun 1982; citizen Syria (individual) [SYRIA].

On March 31, 2015, OFAC published the following revised information for the following person on OFAC's SDN List whose property and interests in property are blocked pursuant to E.O. 13573, ''Blocking Property of Senior Officials of The Government of Syria'':

Individual:

1. MAYALEH, Adib (a.k.a. ANDRE, Miyal; a.k.a. MAYALA, Adib; a.k.a. MAYARD, Andre); DOB 1955; POB Daraa, Syria; Governor of Central Bank of Syria (individual) [SYRIA].

Dated: March 31, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–08506 Filed 4–13–15; 8:45 am]

BILLING CODE 4810–ALP

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held May 5, 2015.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Tuesday May 5, 2015 at 1:00 p.m.. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact: Donna Powers at 1–888–912–1227 or (954) 423–7977 or write: TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.* The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08432 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 13, 2015.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Wednesday, May 13, 2015, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact: Otis Simpson at 1–888–912–1227 or 202–317–3332, TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08434 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council (IRSAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for applications.

SUMMARY: The Internal Revenue Service (IRS) requests applications of individuals to be considered for selection as members of the Internal Revenue Service Advisory Council (IRSAC). Nominations should describe and document the proposed member's qualification for IRSAC membership, including the applicant's knowledge of Circular 230 regulations and the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that the applicant wishes to represent on the council. Applications will be accepted from qualified individuals and from professional and public interest groups that wish to have representatives on the IRSAC. The IRSAC is comprised of up to thirty-five (35) members. Applications are currently being accepted for approximately five appointments that will begin in January 2016. It is important that the IRSAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as areas of expertise, geographic diversity, major stakeholder representation and customer segments.

The Internal Revenue Service Advisory Council (IRSAC) provides an organized public forum for IRS officials and representatives of the public to discuss relevant tax administration issues. The council advises the IRS on issues that have a substantive effect on federal tax administration. As an advisory body designed to focus on broad policy matters, the IRSAC reviews existing tax policy and/or recommends policies with respect to emerging tax administration issues. The IRSAC suggests operational improvements, offers constructive observations regarding current or proposed IRS policies, programs, and procedures, and advises the IRS with respect to issues having substantive effect on federal tax administration.

DATES: Written applications will be accepted from May 1, 2015 through June 26, 2015.

ADDRESSES: Applications should be sent to the Internal Revenue Service, National Public Liaison, CL:NPL:P, Room 7559 IR, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: Ms. Lorenza Wilds; or by email: *publicliaison@irs.gov.* Applications may be submitted by mail to the address above or faxed to 855–811–8021. Application packages are available on the Tax Professional's Page, which is located on the IRS Internet Web site at *http://www.irs.gov/Tax-Professionals.*

FOR FURTHER INFORMATION CONTACT: Ms. Lorenza Wilds, 202–317–6851 (not a toll-free number).

SUPPLEMENTARY INFORMATION: IRSAC was authorized under the Federal Advisory Committee Act, Public Law 92–463., the first Advisory Group to the Commissioner of Internal Revenue—or the Commissioner's Advisory Group (''CAG'')—was established in 1953 as a ''national policy and/or issue advisory committee.'' Renamed in 1998, the

Internal Revenue Service Advisory Council (IRSAC) reflects the agency-wide scope of its focus as an advisory body to the entire agency. The IRSAC's primary purpose is to provide an organized public forum for senior IRS executives and representatives of the public to discuss relevant tax administration issues.

Conveying the public's perception of IRS activities, the IRSAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds on the Council's activities. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, international, wage and investment taxpayers and the knowledge of Circular 230.

IRSAC members are appointed by the Commissioner of the Internal Revenue Service with the concurrence of the Secretary of the Treasury to serve a three year term. IRSAC may form subcommittees (or subgroups) for any purpose consistent with the charter. These subcommittees must report directly to the IRSAC parent committee.

Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation to and from airports, train stations, etc., are reimbursed within prescribed federal travel limitations.

An acknowledgment of receipt will be sent to all applicants. In accordance with the Department of Treasury Directive 21–03, a clearance process including, annual tax checks, and a practitioner check with the Return Preparer Office, and the Office of Professional Responsibility will be conducted. In addition, all applicants deemed ''best qualified'' will have to undergo a Federal Bureau of Investigation (FBI) fingerprint check.

Equal opportunity practices will be followed for all appointments to the IRSAC in accordance with the Department of Treasury and IRS policies. The IRS has special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities are adequately represented on advisory committees: And therefore, extends particular encouragement to nominations from such appropriately qualified candidates.

Dated: April 6, 2015.

Candice Cromling,

Director, National Public Liaison.

[FR Doc. 2015–08440 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 7, 2015.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or (206) 946–3006.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, May 7, 2015, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Janice Spinks. For more information please contact: Janice Spinks at 1–888–912–1227 or 206 946–3006, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08433 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 14, 2015.

FOR FURTHER INFORMATION CONTACT: Theresa Singleton at 1–888–912–1227 or 202–317–3329.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, May 14, 2015, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Theresa Singleton. For more information please contact: Theresa Singleton at 1–888–912–1227 or 202–317–3329, TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08437 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 7, 2015.

FOR FURTHER INFORMATION CONTACT: Kim Vinci at 1–888–912–1227 or 916–974–5086.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Thursday, May 7, 2015, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Kim Vinci. For more information please contact: Kim Vinci at 1–888–912–1227 or 916–974–5086, TAP Office, 4330 Watt Ave, Sacramento, CA 95821, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various special topics with IRS processes.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08431 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 27, 2015.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, May 27, 2015, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Lisa Billups at 1–888–912–1227 or 214–413–6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08439 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 20, 2015.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 317–3337.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, May 20, 2015 at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202) 317–3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: April 7, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015–08438 Filed 4–13–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; 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 National Research Advisory Council will hold a meeting on Wednesday, June 3, 2015, in Room 730 at 810 Vermont Avenue NW., Washington, DC. The meeting will convene at 9:00 a.m. and end at 4:00 p.m., and is open to the public. Anyone attending must show a valid photo ID to building security and be escorted to the meeting. Please allow 15 minutes before the meeting begins for this process.

The agenda will include Annual Ethics Training and a presentation on the Communications Strategic Plan.

No time will be allocated at this meeting for receiving oral presentations from the public. Members of the public wanting to attend, or needing further information may contact Pauline Cilladi-Rehrer, Designated Federal Officer, ORD (10P9), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5607, or by email at *pauline.cilladi-rehrer@va.gov.* at least 5 days prior to the meeting date.

Dated: April 9, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–08524 Filed 4–13–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 71 April 14, 2015

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Seismic Survey in the Beaufort Sea, Alaska; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD782

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Seismic Survey in the Beaufort Sea, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from SAExploration, Inc. (SAE) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to a marine 3-dimensional (3D) ocean bottom node (OBN) seismic surveys program in the state and federal waters of the Beaufort Sea, Alaska, during the open-water season of 2015. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to SAE to incidentally take, by Level A and Level B Harassments, marine mammals during the specified activity.

DATES: Comments and information must be received no later than May 14, 2015.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *itp.guan@noaa.gov.* Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for comments sent to addresses other than those provided here.

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

An electronic copy of the application may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* The following associated documents are also available at the same internet address: Plan of Cooperation. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

NMFS is also preparing draft Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and will consider comments submitted in response to this notice as part of that process. The draft EA will be posted at the foregoing internet site.

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

SUPPLEMENTARY INFORMATION:

Background

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

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

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On December 2, 2014, NMFS received an application from SAE for the taking of marine mammals incidental to a 3D ocean bottom node (OBN) seismic survey program in the Beaufort Sea. After receiving NMFS comments, SAE made revisions and updated its IHA application on December 5, 2014, January 21, 2015, January 29, 2015, and again on February 16, 2015. In addition, NMFS received the marine mammal mitigation and monitoring plan (4MP) from SAE on December 2, 2014, with an updated version on January 29, 2015. NMFS determined that the application and the 4MP were adequate and complete on February 17, 2015.

SAE proposes to conduct 3D OBN seismic surveys in the state and federal waters of the U.S. Beaufort Sea during the 2015 Arctic open-water season. The proposed activity would occur between July 1 and October 15, 2015. The actual seismic survey is expected to take approximately 70 days, dependent of weather. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: seismic airgun operations and associated navigation sonar and vessel movements. Takes, by Level A and/or Level B Harassments, of individuals of six species of marine mammals are anticipated to result from the specified activity.

SAE also conducted OBN seismic surveys in the Beaufort Sea in the 2014 Arctic open-water season (79 FR 51963; September 2, 2014).

Description of the Specified Activity

Overview

On December 2, 2014, NMFS received an application from SAE requesting an authorization for the harassment of small numbers of marine mammals incidental to conducting an open-water 3D OBN seismic survey in the Beaufort Sea off Alaska. After addressing comments from NMFS and the peer-review panel, SAE modified its application and submitted revised applications on December 5, 2014, January 21, 2015, January 29, 2015, and again on February 16, 2015, with 4MP on December 2, 2014 and an updated version on January 29, 2015. SAE's proposed activities discussed here are based on its February 17, 2015, IHA application, and January 29, 2015, 4MP.

Dates and Duration

The proposed 3D OBN seismic survey is planned for the 2015 open-water

season (July 1 to October 15). The actual data acquisition is expected to take approximately 70 days, dependent of weather. Based on past similar seismic shoots in the Beaufort Sea, SAE expects that effective shooting would occur over about 70% of the 70 days (or about 49 days).

Specified Geographic Region

SAE's planned 3D seismic survey would occur in the nearshore waters of the Beaufort Sea between Harrison Bay and the Sagavanirktok River delta. SAE plans to survey a maximum of 777 km^2 (300 mi^2) in 2015, although the exact location is currently unknown other than it would occur somewhere within the 4,562-km^2 (1,761-m^2) box shown in Figure 1–1 of SAE's IHA application.

Detailed Description of Activities

I. Survey Design

The proposed marine seismic operations will be based on a ''recording patch'' or similar approach. Patches are groups of six receiver lines and 32 source lines (Figure 1–2 of SAE's IHA application). Each receiver line has submersible marine sensor nodes tethered equidistant (50 m; 165 ft) from each other along the length of the line. Each node is a multicomponent system containing three velocity sensors and a hydrophone. Each receiver line is approximately 8 km (5 mi) in length, and are spaced approximately 402 m (1,320 ft) apart. Each receiver patch is 19.4 km^2 (7.5 mi^2) in area. The receiver patch is oriented such that the receiver lines run parallel to the shoreline.

Source lines, 12 km (7.5 mi) long and spaced 502 m (1,650 ft) apart, run perpendicular to the receiver lines (and perpendicular to the coast) and, where possible, will extend approximately 5 km (3 mi) beyond the outside receiver lines and approximately 4 km (2.5 mi) beyond each of the ends of the receiver lines. The outside dimensions of the maximum shot area during a patch shoot will be 12 km by 16 m (7.5 mi by 10 mi) or 192 km^2 (75 mi^2). It is expected to take three to five days to shoot a patch, or 49 km^2 (18.75 mi^2) per day. Shot intervals along each source line will be 50 m (165 ft). All shot areas will be wholly contained within the 4,562-km^2 survey box (see Figure 1–1 in SAE's IHA application), and, because of the tremendous overlap in shot area between adjacent patches, no more than 777 km^2 (300 mi^2) of actual area will be shot in 2015.

During recording of one patch, nodes from the previously surveyed patch will be retrieved, recharged, and data downloaded prior to redeployment of the nodes to the next patch. As patches are recorded, receiver lines are moved side to side or end to end to the next patch location so that receiver lines have continuous coverage of the recording area.

Autonomous recording nodes lack cables but will be tethered together using a thin rope for ease of retrieval. This rope will lay on the seabed surface, as will the nodes, and will have no effect on marine traffic. Primary vessel positioning will be achieved using GPS with the antenna attached to the airgun array. Pingers deployed from the node vessels will be used for positioning of nodes. The geometry/patch could be modified as operations progress to improve sampling and operational efficiency.

II. Acoustical Sources

The acoustic sources of primary concern are the airguns that will be deployed from the seismic source vessels. However, there are other noise sources to be addressed including the pingers and transponders associated with locating receiver nodes, as well as propeller noise from the vessel fleet.

Seismic Source Array

The primary seismic source for offshore recording consists of a 620-cubic-inch (in^3), 8-cluster array, although a 2 x 620-in^3 array, totaling 1,240 in^3, may be used in deeper waters (>15 m). For conservative purposes, exposure estimates are based on the sound pressure levels associated with the larger array. The arrays will be centered approximately 15 m (50 ft) behind the source vessel stern, at a depth of 4 m (12 ft), and towed along predetermined source lines at speeds between 7.4 and 9.3 km/hr (4 and 5 knots). Two vessels with full arrays will be operating simultaneously in an alternating shot mode; one vessel shooting while the other is recharging. Shot intervals are expected to be about 16 s for each array resulting in an overall shot interval of 8 s considering the two alternating arrays. Operations are expected to occur 24 hrs a day, with actual daily shooting to total about 12 hrs.

Based on manufacturer specifications, the 1,240-in^3 array has a zero-peak estimated sound source of 249 dB re 1 μPa @1 m (13.8 bar-m), with a root mean square (rms) sound source of 224 dB re 1 μPa, while for the 620-in^3 array the zero-peak is 237 dB re 1 μPa (rms) (6.96 bar-m) with an rms source level of 218 dB re 1 μPa.

Mitigation Airgun

A 10-in^3 mitigation airgun will be used during poor visibility conditions, and is intended to (a) alert marine mammals to the presence of airgun activity, and (b) retain the option of initiating a ramp-up to full operations under poor visibility conditions. The mitigation gun will be operated at approximately one shot per minute during these periods. The manufacturer specifications indicate a 214 dB re 1 μPa zero-peak (0.5 bar-m) sound source equating to a 195 dB re 1 μPa rms source.

Pingers and Transponders

An acoustical positioning (or pinger) system will be used to position and interpolate the location of the nodes. A vessel-mounted transceiver calculates the position of the nodes by measuring the range and bearing from the transceiver to a small acoustic transponder fitted to every third node. The transceiver uses sonar to interrogate the transponders, which respond with short pulses that are used in measuring the range and bearing. The system provides a precise location of every node as needed for accurate interpretation of the seismic data. The transceiver to be used is the Sonardyne Scout USBL, while transponders will be the Sonardyne TZ/OBC Type 7815–000–06. Because the transceiver and transponder communicate via sonar, they produce underwater sound levels. The Scout USBL transceiver has a transmission source level of 197 dB re 1 μPa @ 1 m and operates at frequencies between 35 and 55 kHz. The transponder produces short pulses of 184 to 187 dB re 1 μPa @ 1 m at frequencies also between 35 and 55 kHz.

Both transceivers and transponders produce noise levels just above or within the most sensitive hearing range of seals (10 to 30 kHz; Schusterman 1981) and odontocetes (12 to ~100 kHz; Wartzok and Ketten 1999), and the functional hearing range of baleen whales (20 Hz to 30 kHz; NRC 2003); although baleen whale hearing is probably most sensitive nearer 1 kHz (Richardson *et al.* 1995). However, given the low acoustical output, the range of acoustical harassment to marine mammals (for the 197 dB transceiver) is about 100 m (328 ft), or significantly less than the output from the airgun arrays, and is not loud enough to reach injury levels in marine mammals beyond 9 m (30 ft). Marine mammals are likely to respond to pinger systems similar to airgun pulses, but only when very close (a few meters) to the sources.

Vessels

Several offshore vessels will be required to support recording, shooting, and housing in the marine and transition zone environments. The exact vessels that will be used have not yet been determined. However, the types of vessels that will be used to fulfill these roles are found in Table 1.

TABLE 1—VESSELS TO BE USED DURING SAE'S 3D OBN SEISMIC SURVEYS

Vessel	Size (ft)	Activity and frequency	Source level (dB)
Source vessel 1	120 x 25	Seismic data acquisition; 24 hr operation	179
Source vessel 2	80 x 25	Seismic data acquisition; 24 hr operation	166
Node equipment vessel 1	80 x 20	Deploying and retrieving nodes; 24 hr operation	165
Node equipment vessel 2	80 x 20	Deploying and retrieving nodes; 24 hr operation	165
Mitigation/Housing vessel	90 x 20	House crew; 24 hr operation	200
Crew transport vessel	30 x 20	Transport crew; intermittent 8 hrs	192
Bow picker 1	30 x 20	Deploying and retrieving nodes; intermittent operation	172
Bow picker 2	30 x 20	Deploying and retrieving nodes; intermittent operation	172

Source Vessels—Source vessels will have the ability to deploy two arrays off the stern using large A-frames and winches and have a draft shallow enough to operate in waters less than 1.5 m (5 ft) deep. On the source vessels the airgun arrays are typically mounted on the stern deck with an umbilical that allow the arrays to be deployed and towed from the stern without having to re-rig or move arrays. A large bow deck will allow for sufficient space for source compressors and additional airgun equipment to be stored. The marine vessels likely to be used will be the same or similar to those that were acoustically measured by Aerts *et al.* (2008). The source vessels were found to have sound source levels of 179.0 dB re 1 μPa (rms) and 165.7 dB re 1 μPa (rms).

Recording Deployment and Retrieval Vessels—Jet driven shallow draft vessels and bow pickers will be used for the deployment and retrieval of the offshore recording equipment. These vessels will be rigged with hydraulically driven deployment and retrieval squirters allowing for automated deployment and retrieval from the bow or stern of the vessel. These vessels will also carry the recording equipment on the deck in fish totes. Aerts *et al.* (2008) found the recording and deployment vessels to have a source level of approximately 165.3 dB re 1 μPa (rms), while the smaller bow pickers produce more cavitation resulting in source levels of 171.8 dB re 1 μPa (rms).

Housing and Transfer Vessels—Housing vessel(s) will be larger with sufficient berthing to house crews and management. The housing vessel will have ample office and bridge space to facilitate the role as the mother ship and central operations. Crew transfer vessels will be sufficiently large to safely transfer crew between vessels as needed. Aerts *et al.* (2008) found the housing vessel to produce the loudest propeller noise of all the vessels in the fleet (200.1 dB re 1 μPa [rms]), but this vessel is mostly anchored up once it gets on site. The crew transfer vessel also travels only infrequently relative to other vessels, and is usually operated at different speeds. During higher speed runs to shore the vessel produces source noise levels of about 191.8 dB re 1 μPa (rms), while during slower on-site movements the vessel source levels are only 166.4 dB re 1 μPa (rms) (Aerts *et al.* 2008).

Description of Marine Mammals in the Area of the Specified Activity

The Beaufort Sea supports a diverse assemblage of marine mammals. Table 2 lists the 12 marine mammal species under NMFS jurisdiction with confirmed or possible occurrence in the proposed project area.

TABLE 2—MARINE MAMMAL SPECIES WITH CONFIRMED OR POSSIBLE OCCURRENCE IN THE PROPOSED SEISMIC SURVEY AREA

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Odontocetes:						
Beluga whale (Beaufort Sea stock).	*Delphinapterus leucas.*		Common	Mostly spring and fall with some in summer.	Mostly Beaufort Sea.	39,258
Beluga whale (eastern Chukchi Sea stock).			Common	Mostly spring and fall with some in summer.	Mostly Chukchi Sea.	3,710
Killer whale	*Orcinus orca*		Occasional/ Extralimital.	Mostly summer and early fall.	California to Alaska.	552
Harbor porpoise	*Phocoena phocoena.*		Occasional/ Extralimital.	Mostly summer and early fall.	California to Alaska.	48,215
Narwhal	*Monodon monoceros.*					45,358
Mysticetes:						
Bowhead whale *	*Balaena mysticetus.*	Endangered; Depleted.	Common	Mostly spring and fall with some in summer.	Russia to Canada	19,534
Gray whale	*Eschrichtius robustus.*		Somewhat common.	Mostly summer	Mexico to the U.S. Arctic Ocean.	19,126
Minke whale	*Balaenoptera acutorostrata.*					810–1,003

TABLE 2—MARINE MAMMAL SPECIES WITH CONFIRMED OR POSSIBLE OCCURRENCE IN THE PROPOSED SEISMIC SURVEY AREA—Continued

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Humpback whale (Central North Pacific stock)*.	*Megaptera novaeangliae*.	Endangered; Depleted.	.....	.....	.....	21,063
Pinnipeds:						
Bearded seal (Beringia distinct population segment).	*Erigathus barbatus*	Candidate	Common	Spring and summer.	Bering, Chukchi, and Beaufort Seas.	155,000
Ringed seal (Arctic stock)*.	*Phoca hispida*	Threatened; Depleted.	Common	Year round	Bering, Chukchi, and Beaufort Seas.	300,000
Spotted seal	*Phoca largha*	.....	Common	Summer	Japan to U.S. Arctic Ocean.	141,479
Ribbon seal	*Histriophoca fasciata*.	Species of concern.	Occasional ...	Summer	Russia to U.S. Arctic Ocean.	49,000

* Endangered, threatened, or species of concern under the Endangered Species Act (ESA); Depleted under the MMPA.

The highlighted (grayed out) species in Table 2 are so rarely sighted in the proposed project area that take is unlikely. Minke whales are relatively common in the Bering and southern Chukchi Seas and have recently also been sighted in the northeastern Chukchi Sea (Aerts *et al.,* 2013; Clarke *et al.,* 2013). Minke whales are rare in the Beaufort Sea. They have not been reported in the Beaufort Sea during the Bowhead Whale Aerial Survey Project/Aerial Surveys of Arctic Marine Mammals (BWASP/ASAMM) surveys (Clarke *et al.,* 2011, 2012; 2013; Monnet and Treacy, 2005), and there was only one observation in 2007 during vessel-based surveys in the region (Funk *et al.,* 2010). Humpback whales have not generally been found in the Arctic Ocean. However, subsistence hunters have spotted humpback whales in low numbers around Barrow, and there have been several confirmed sightings of humpback whales in the northeastern Chukchi Sea in recent years (Aerts *et al.,* 2013; Clarke *et al.,* 2013). The first confirmed sighting of a humpback whale in the Beaufort Sea was recorded in August 2007 (Hashagen *et al.,* 2009), when a cow and calf were observed 54 mi east of Point Barrow. No additional sightings have been documented in the Beaufort Sea. Narwhal are common in the waters of northern Canada, west Greenland, and in the European Arctic, but rarely occur in the Beaufort Sea (COSEWIC, 2004). Only a handful of sightings have occurred in Alaskan waters (Allen and Angliss, 2013). These three species are not considered further in this proposed IHA notice. Both the walrus and the polar bear could occur in the U.S. Beaufort Sea; however, these species are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this Notice of Proposed IHA.

The Beaufort Sea is a main corridor of the bowhead whale migration route. The main migration periods occur in spring from April to June and in fall from late August/early September through October to early November. During the fall migration, several locations in the U.S. Beaufort Sea serve as feeding grounds for bowhead whales. Small numbers of bowhead whales that remain in the U.S. Arctic Ocean during summer also feed in these areas. The U.S. Beaufort Sea is not a main feeding or calving area for any other cetacean species. Ringed seals breed and pup in the Beaufort Sea; however, this does not occur during the summer or early fall. Further information on the biology and local distribution of these species can be found in SAE's application (see **ADDRESSES**) and the NMFS Marine Mammal Stock Assessment Reports, which are available online at: *http://www.nmfs.noaa.gov/pr/species/.*

Potential Effects of the Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (*e.g.,* seismic airgun and pinger operation, vessel movement) have been observed to or are thought to impact marine mammals. This section may include a discussion of known effects that do not rise to the level of an MMPA take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measurable avoidance). The discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of a take. This section is intended as a background of potential effects and does not consider either the specific manner in which this activity will be carried out or the mitigation that will be implemented or how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

Background on Sound

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air or water, and is generally characterized by several variables. Frequency describes the sound's pitch and is measured in hertz (Hz) or kilohertz (kHz), while sound level describes the sound's intensity and is measured in decibels (dB). Sound level increases or decreases exponentially with each dB of change. The logarithmic nature of the scale means that each 10-dB increase is a 10-fold increase in acoustic power (and a 20-dB increase is then a 100-fold increase in power). A 10-fold increase in acoustic power does not mean that the sound is perceived as being 10 times louder, however. Sound levels are compared to a reference sound pressure (micro-Pascal) to identify the medium.

For air and water, these reference pressures are ''re: 20 μPa'' and ''re: 1 μPa,'' respectively. Root mean square (RMS) is the quadratic mean sound pressure over the duration of an impulse. RMS is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1975). RMS accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels. This measurement is often used in the context of discussing behavioral effects, in part, because behavioral effects, which often result from auditory cues, may be better expressed through averaged units rather than by peak pressures.

Acoustic Impacts

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

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

As mentioned previously in this document, nine marine mammal species (five cetaceans and four phocid pinnipeds) may occur in the proposed seismic survey area. Of the five cetacean species likely to occur in the proposed project area and for which take is requested, two are classified as low-frequency cetaceans (*i.e.,* bowhead and gray whales), two are classified as mid-frequency cetaceans (*i.e.,* beluga and killer whales), and one is classified as a high-frequency cetacean (*i.e.,* harbor porpoise) (Southall *et al.,* 2007). A species functional hearing group is a consideration when we analyze the effects of exposure to sound on marine mammals.

1. Tolerance

Numerous studies have shown that underwater sounds from industry activities are often readily detectable by marine mammals in the water at distances of many kilometers. Numerous studies have also shown that marine mammals at distances more than a few kilometers away often show no apparent response to industry activities of various types (Miller *et al.,* 2005; Bain and Williams, 2006). This is often true even in cases when the sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of that mammal group. Although various baleen whales, toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to underwater sound such as airgun pulses or vessels under some conditions, at other times mammals of all three types have shown no overt reactions (*e.g.,* Malme *et al.,* 1986; Richardson *et al.,* 1995). Weir (2008) observed marine mammal responses to seismic pulses from a 24 airgun array firing a total volume of either 5,085 in^3 or 3,147 in^3 in Angolan waters between August 2004 and May 2005. Weir recorded a total of 207 sightings of humpback whales (n = 66), sperm whales (n = 124), and Atlantic spotted dolphins (n = 17) and reported that there were no significant differences in encounter rates (sightings/hr) for humpback and sperm whales according to the airgun array's operational status (*i.e.,* active versus silent). The airgun arrays used in the Weir (2008) study were much larger than the array proposed for use during this seismic survey (total discharge volumes of 620 to 1,240 in^3). In general, pinnipeds and small odontocetes seem to be more tolerant of exposure to some types of underwater sound than are baleen whales. Richardson *et al.* (1995) found that vessel noise does not seem to strongly affect pinnipeds that are already in the water. Richardson *et al.* (1995) went on to explain that seals on haul-outs sometimes respond strongly to the presence of vessels and at other times appear to show considerable tolerance of vessels.

2. Masking

Masking is the obscuring of sounds of interest by other sounds, often at similar frequencies. Marine mammals use acoustic signals for a variety of purposes, which differ among species, but include communication between individuals, navigation, foraging, reproduction, avoiding predators, and learning about their environment (Erbe and Farmer, 2000). Masking, or auditory interference, generally occurs when sounds in the environment are louder than, and of a similar frequency as, auditory signals an animal is trying to receive. Masking is a phenomenon that affects animals that are trying to receive acoustic information about their environment, including sounds from other members of their species, predators, prey, and sounds that allow them to orient in their environment. Masking these acoustic signals can disturb the behavior of individual animals, groups of animals, or entire populations.

Masking occurs when anthropogenic sounds and signals (that the animal utilizes) overlap at both spectral and temporal scales. For the airgun sound generated from the proposed seismic survey, sound will consist of low frequency (under 500 Hz) pulses with extremely short durations (less than one second). Lower frequency man-made sounds are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. There is little concern regarding masking near the sound source due to the brief duration of these pulses and relatively longer silence between airgun shots (approximately 5–6 seconds). However, at long distances (over tens of kilometers away), due to multipath propagation and reverberation, the durations of airgun pulses can be ''stretched'' to seconds with long decays (Madsen *et al.,* 2006), although the intensity of the sound is greatly reduced.

This could affect communication signals used by low frequency mysticetes when they occur near the noise band and thus reduce the communication space of animals (*e.g.,* Clark *et al.,* 2009) and cause increased stress levels (*e.g.,* Foote *et al.,* 2004; Holt *et al.,* 2009). Marine mammals are

thought to be able to compensate for masking by adjusting their acoustic behavior by shifting call frequencies, and/or increasing call volume and vocalization rates. For example, blue whales are found to increase call rates when exposed to seismic survey noise in the St. Lawrence Estuary (Di Iorio and Clark, 2010). The North Atlantic right whales exposed to high shipping noise increase call frequency (Parks *et al.,* 2007), while some humpback whales respond to low-frequency active sonar playbacks by increasing song length (Miller *el al.,* 2000). Bowhead whale calls are frequently detected in the presence of seismic pulses, although the number of calls detected may sometimes be reduced (Richardson *et al.,* 1986), possibly because animals moved away from the sound source or ceased calling (Blackwell *et al.,* 2013). Additionally, beluga whales have been known to change their vocalizations in the presence of high background noise possibly to avoid masking calls (Lesage *et al.,* 1999; Scheifele *et al.,* 2005). Although some degree of masking is inevitable when high levels of manmade broadband sounds are introduced into the sea, marine mammals have evolved systems and behavior that function to reduce the impacts of masking. Structured signals, such as the echolocation click sequences of small toothed whales, may be readily detected even in the presence of strong background noise because their frequency content and temporal features usually differ strongly from those of the background noise (Au and Moore, 1990). The components of background noise that are similar in frequency to the sound signal in question primarily determine the degree of masking of that signal.

Redundancy and context can also facilitate detection of weak signals. These phenomena may help marine mammals detect weak sounds in the presence of natural or manmade noise. Most masking studies in marine mammals present the test signal and the masking noise from the same direction. The sound localization abilities of marine mammals suggest that, if signal and noise come from different directions, masking would not be as severe as the usual types of masking studies might suggest (Richardson *et al.,* 1995). The dominant background noise may be highly directional if it comes from a particular anthropogenic source such as a ship or industrial site. Directional hearing may significantly reduce the masking effects of these sounds by improving the effective signal-to-noise ratio. In the cases of higher frequency hearing by the bottlenose dolphin, beluga whale, and killer whale, empirical evidence confirms that masking depends strongly on the relative directions of arrival of sound signals and the masking noise (Dubrovskiy, 1990; Bain and Dahlheim, 1994). Toothed whales, and probably other marine mammals as well, have additional capabilities besides directional hearing that can facilitate detection of sounds in the presence of background noise. There is evidence that some toothed whales can shift the dominant frequencies of their echolocation signals from a frequency range with a lot of ambient noise toward frequencies with less noise (Moore and Pawloski, 1990; Thomas and Turl, 1990; Romanenko and Kitain, 1992; Lesage *et al.,* 1999). A few marine mammal species are known to increase the source levels or alter the frequency of their calls in the presence of elevated sound levels (Dahlheim, 1987; Lesage *et al.,* 1999; Foote *et al.,* 2004; Parks *et al.,* 2007, 2009; Di Iorio and Clark, 2009; Holt *et al.,* 2009).

These data demonstrating adaptations for reduced masking pertain mainly to the very high frequency echolocation signals of toothed whales. There is less information about the existence of corresponding mechanisms at moderate or low frequencies or in other types of marine mammals. For example, Zaitseva *et al.* (1980) found that, for the bottlenose dolphin, the angular separation between a sound source and a masking noise source had little effect on the degree of masking when the sound frequency was 18 kHz, in contrast to the pronounced effect at higher frequencies. Directional hearing has been demonstrated at frequencies as low as 0.5–2 kHz in several marine mammals, including killer whales (Richardson *et al.,* 1995). This ability may be useful in reducing masking at these frequencies. In summary, high levels of sound generated by anthropogenic activities may act to mask the detection of weaker biologically important sounds by some marine mammals. This masking may be more prominent for lower frequencies. For higher frequencies, such as that used in echolocation by toothed whales, several mechanisms are available that may allow them to reduce the effects of such masking.

3. Behavioral Disturbance

Marine mammals may behaviorally react when exposed to anthropogenic sound. These behavioral reactions are often shown as: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haulouts or rookeries).

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

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

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography, current activity, reproductive state) and is also difficult to predict (Gordon *et al.,* 2004; Southall *et al.,* 2007; Ellison *et al.,* 2011).

Mysticetes: Baleen whales generally tend to avoid operating airguns, but avoidance radii are quite variable. Whales are often reported to show no overt reactions to pulses from large arrays of airguns at distances beyond a few kilometers, even though the airgun pulses remain well above ambient noise levels out to much greater distances (Miller *et al.,* 2005). However, baleen whales exposed to strong noise pulses often react by deviating from their normal migration route (Richardson *et al.,* 1999). Migrating gray and bowhead whales were observed avoiding the sound source by displacing their migration route to varying degrees but within the natural boundaries of the migration corridors (Schick and Urban, 2000; Richardson *et al.,* 1999). Baleen whale responses to pulsed sound, however, may depend on the type of activity in which the whales are engaged. Some evidence suggests that feeding bowhead whales may be more tolerant of underwater sound than migrating bowheads (Miller *et al.,* 2005; Lyons *et al.,* 2009; Christie *et al.,* 2010).

Results of studies of gray, bowhead, and humpback whales have determined

that received levels of pulses in the 160–170 dB re 1 μPa rms range seem to cause obvious avoidance behavior in a substantial fraction of the animals exposed. In many areas, seismic pulses from large arrays of airguns diminish to those levels at distances ranging from 2.8–9 mi (4.5–14.5 km) from the source. For the much smaller airgun array used during SAE's proposed survey (total discharge volume of 640 in^3), distances to received levels in the 160 dB re 1 μPa rms range are estimated to be 0.5–3 mi (0.8–5 km). Baleen whales within those distances may show avoidance or other strong disturbance reactions to the airgun array. Subtle behavioral changes sometimes become evident at somewhat lower received levels, and recent studies have shown that some species of baleen whales, notably bowhead and humpback whales, at times show strong avoidance at received levels lower than 160–170 dB re 1 μPa rms. Bowhead whales migrating west across the Alaskan Beaufort Sea in autumn, in particular, are unusually responsive, with avoidance occurring out to distances of 12.4–18.6 mi (20–30 km) from a medium-sized airgun source (Miller *et al.,* 1999; Richardson *et al.,* 1999). However, more recent research on bowhead whales (Miller *et al.,* 2005) corroborates earlier evidence that, during the summer feeding season, bowheads are not as sensitive to seismic sources. In summer, bowheads typically begin to show avoidance reactions at a received level of about 160–170 dB re 1 μPa rms (Richardson *et al.,* 1986; Ljungblad *et al.,* 1988; Miller *et al.,* 2005).

Malme *et al.* (1986) studied the responses of feeding eastern gray whales to pulses from a single 100 in^3 airgun off St. Lawrence Island in the northern Bering Sea. They estimated, based on small sample sizes, that 50% of feeding gray whales ceased feeding at an average received pressure level of 173 dB re 1 μPa on an (approximate) rms basis, and that 10% of feeding whales interrupted feeding at received levels of 163 dB. Those findings were generally consistent with the results of experiments conducted on larger numbers of gray whales that were migrating along the California coast and on observations of the distribution of feeding Western Pacific gray whales off Sakhalin Island, Russia, during a seismic survey (Yazvenko *et al.,* 2007). Data on short-term reactions (or lack of reactions) of cetaceans to impulsive noises do not necessarily provide information about long-term effects. While it is not certain whether impulsive noises affect reproductive rate or distribution and habitat use in subsequent days or years, certain species have continued to use areas ensonified by airguns and have continued to increase in number despite successive years of anthropogenic activity in the area. Gray whales continued to migrate annually along the west coast of North America despite intermittent seismic exploration and much ship traffic in that area for decades (Appendix A in Malme *et al.,* 1984). Bowhead whales continued to travel to the eastern Beaufort Sea each summer despite seismic exploration in their summer and autumn range for many years (Richardson *et al.,* 1987). Populations of both gray whales and bowhead whales grew substantially during this time. In any event, the proposed survey will occur in summer (July through late August) when most bowhead whales are commonly feeding in the Mackenzie River Delta, Canada.

During their study, Patenaude *et al.* (2002) observed one bowhead whale cow-calf pair during four passes totaling 2.8 hours of the helicopter and two pairs during Twin Otter overflights. All of the helicopter passes were at altitudes of 49–98 ft (15–30 m). The mother dove both times she was at the surface, and the calf dove once out of the four times it was at the surface. For the cow-calf pair sightings during Twin Otter overflights, the authors did not note any behaviors specific to those pairs. Rather, the reactions of the cow-calf pairs were lumped with the reactions of other groups that did not consist of calves.

Richardson *et al.* (1995) and Moore and Clarke (2002) reviewed a few studies that observed responses of gray whales to aircraft. Cow-calf pairs were quite sensitive to a turboprop survey flown at 1,000 ft (305 m) altitude on the Alaskan summering grounds. In that survey, adults were seen swimming over the calf, or the calf swam under the adult (Ljungblad *et al.,* 1983, cited in Richardson *et al.,* 1995 and Moore and Clarke, 2002). However, when the same aircraft circled for more than 10 minutes at 1,050 ft (320 m) altitude over a group of mating gray whales, no reactions were observed (Ljungblad *et al.,* 1987, cited in Moore and Clarke, 2002). Malme *et al.* (1984, cited in Richardson *et al.,* 1995 and Moore and Clarke, 2002) conducted playback experiments on migrating gray whales. They exposed the animals to underwater noise recorded from a Bell 212 helicopter (estimated altitude=328 ft [100 m]), at an average of three simulated passes per minute. The authors observed that whales changed their swimming course and sometimes slowed down in response to the playback sound but proceeded to migrate past the transducer. Migrating gray whales did not react overtly to a Bell 212 helicopter at greater than 1,394 ft (425 m) altitude, occasionally reacted when the helicopter was at 1,000–1,198 ft (305–365 m), and usually reacted when it was below 825 ft (250 m; Southwest Research Associates, 1988, cited in Richardson *et al.,* 1995 and Moore and Clarke, 2002). Reactions noted in that study included abrupt turns or dives or both. Greene *et al.* (1992, cited in Richardson *et al.,* 1995) observed that migrating gray whales rarely exhibited noticeable reactions to a straight-line overflight by a Twin Otter at 197 ft (60 m) altitude.

Odontocetes: Few systematic data are available describing reactions of toothed whales to noise pulses. However, systematic work on sperm whales is underway, and there is an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (*e.g.,* Stone, 2003). Miller *et al.* (2009) conducted at-sea experiments where reactions of sperm whales were monitored through the use of controlled sound exposure experiments from large airgun arrays consisting of 20-guns and 31-guns. Of 8 sperm whales observed, none changed their behavior when exposed to either a ramp-up at 4–8 mi (7–13 km) or full array exposures at 0.6–8 mi (1–13 km).

Seismic operators and marine mammal observers sometimes see dolphins and other small toothed whales near operating airgun arrays, but, in general, there seems to be a tendency for most delphinids to show some limited avoidance of seismic vessels operating large airgun systems. However, some dolphins seem to be attracted to the seismic vessel and floats, and some ride the bow wave of the seismic vessel even when large arrays of airguns are firing. Nonetheless, there have been indications that small toothed whales sometimes move away or maintain a somewhat greater distance from the vessel when a large array of airguns is operating than when it is silent (*e.g.,* 1998; Stone, 2003). The beluga may be a species that (at least in certain geographic areas) shows long-distance avoidance of seismic vessels. Aerial surveys during seismic operations in the southeastern Beaufort Sea recorded much lower sighting rates of beluga whales within 10–20 km (6.2–12.4 mi) of an active seismic vessel. These results were consistent with the low number of beluga sightings reported by observers aboard the seismic vessel, suggesting that some belugas might have been avoiding the seismic operations at

distances of 10–20 km (6.2–12.4 mi) (Miller *et al.,* 2005).

Captive bottlenose dolphins and (of more relevance in this project) beluga whales exhibit changes in behavior when exposed to strong pulsed sounds similar in duration to those typically used in seismic surveys (Finneran *et al.,* 2002, 2005). However, the animals tolerated high received levels of sound (pk–pk level >200 dB re 1 μPa) before exhibiting aversive behaviors.

Observers stationed on seismic vessels operating off the United Kingdom from 1997–2000 have provided data on the occurrence and behavior of various toothed whales exposed to seismic pulses (Stone, 2003; Gordon *et al.,* 2004). Killer whales were found to be significantly farther from large airgun arrays during periods of shooting compared with periods of no shooting. The displacement of the median distance from the array was approximately 0.5 km (0.3 mi) or more. Killer whales also appear to be more tolerant of seismic shooting in deeper water.

Reactions of toothed whales to large arrays of airguns are variable and, at least for delphinids, seem to be confined to a smaller radius than has been observed for mysticetes. However, based on the limited existing evidence, belugas should not be grouped with delphinids in the ''less responsive'' category.

Patenaude *et al.* (2002) reported that beluga whales appeared to be more responsive to aircraft overflights than bowhead whales. Changes were observed in diving and respiration behavior, and some whales veered away when a helicopter passed at ≤820 ft (250 m) lateral distance at altitudes up to 492 ft (150 m). However, some belugas showed no reaction to the helicopter. Belugas appeared to show less response to fixed-wing aircraft than to helicopter overflights.

Pinnipeds: Pinnipeds are not likely to show a strong avoidance reaction to the airgun sources proposed for use. Visual monitoring from seismic vessels has shown only slight (if any) avoidance of airguns by pinnipeds and only slight (if any) changes in behavior. Monitoring work in the Alaskan Beaufort Sea during 1996–2001 provided considerable information regarding the behavior of Arctic ice seals exposed to seismic pulses (Harris *et al.,* 2001; Moulton and Lawson, 2002). These seismic projects usually involved arrays of 6 to 16 airguns with total volumes of 560 to 1,500 in^3. The combined results suggest that some seals avoid the immediate area around seismic vessels. In most survey years, ringed seal sightings tended to be farther away from the seismic vessel when the airguns were operating than when they were not (Moulton and Lawson, 2002). However, these avoidance movements were relatively small, on the order of 100 m (328 ft) to a few hundreds of meters, and many seals remained within 100–200 m (328–656 ft) of the trackline as the operating airgun array passed by. Seal sighting rates at the water surface were lower during airgun array operations than during no-airgun periods in each survey year except 1997. Similarly, seals are often very tolerant of pulsed sounds from seal-scaring devices (Richardson *et al.,* 1995). However, initial telemetry work suggests that avoidance and other behavioral reactions by two other species of seals to small airgun sources may at times be stronger than evident to date from visual studies of pinniped reactions to airguns (Thompson *et al.,* 1998). Even if reactions of the species occurring in the present study area are as strong as those evident in the telemetry study, reactions are expected to be confined to relatively small distances and durations, with no long-term effects on pinniped individuals or populations.

Blackwell *et al.* (2004) observed 12 ringed seals during low-altitude overflights of a Bell 212 helicopter at Northstar in June and July 2000 (9 observations took place concurrent with pipe-driving activities). One seal showed no reaction to the aircraft while the remaining 11 (92%) reacted, either by looking at the helicopter (n=10) or by departing from their basking site (n=1). Blackwell *et al.* (2004) concluded that none of the reactions to helicopters were strong or long lasting, and that seals near Northstar in June and July 2000 probably had habituated to industrial sounds and visible activities that had occurred often during the preceding winter and spring. There have been few systematic studies of pinniped reactions to aircraft overflights, and most of the available data concern pinnipeds hauled out on land or ice rather than pinnipeds in the water (Richardson *et al.,* 1995; Born *et al.,* 1999).

4. Threshold Shift (Noise-Induced Loss of Hearing)

When animals exhibit reduced hearing sensitivity (*i.e.,* sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced threshold shift (TS). An animal can experience temporary threshold shift (TTS) or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.,* there is complete recovery), can occur in specific frequency ranges (*i.e.,* an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

The following physiological mechanisms are thought to play a role in inducing auditory TS: effects to sensory hair cells in the inner ear that reduce their sensitivity, modification of the chemical environment within the sensory cells, residual muscular activity in the middle ear, displacement of certain inner ear membranes, increased blood flow, and post-stimulatory reduction in both efferent and sensory neural output (Southall *et al.,* 2007). The amplitude, duration, frequency, temporal pattern, and energy distribution of sound exposure all can affect the amount of associated TS and the frequency range in which it occurs. As amplitude and duration of sound exposure increase, so, generally, does the amount of TS, along with the recovery time. For intermittent sounds, less TS could occur than compared to a continuous exposure with the same energy (some recovery could occur between intermittent exposures depending on the duty cycle between sounds) (Ward, 1997). For example, one short but loud (higher SPL) sound exposure may induce the same impairment as one longer but softer sound, which in turn may cause more impairment than a series of several intermittent softer sounds with the same total energy (Ward, 1997). Additionally, though TTS is temporary, prolonged exposure to sounds strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals. Although in the case of the proposed seismic survey, animals are not expected to be exposed to sound levels high for a long enough period to result in PTS.

PTS is considered auditory injury (Southall *et al.,* 2007). Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007).

Although the published body of scientific literature contains numerous

theoretical studies and discussion papers on hearing impairments that can occur with exposure to a loud sound, only a few studies provide empirical information on the levels at which noise-induced loss in hearing sensitivity occurs in nonhuman animals. For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran *et al.,* 2000, 2002, 2003, 2005, 2007; Finneran and Schlundt, 2010; Lucke *et al.,* 2009; Mooney *et al.,* 2009; Popov *et al.,* 2011a, 2011b; Kastelein *et al.,* 2012a; Schlundt *et al.,* 2006; Nachtigall *et al.,* 2003, 2004). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 2005; Kastelein *et al.,* 2012b).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, above). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

5. Non-Auditory Physical Effects

Non-auditory physical effects might occur in marine mammals exposed to strong underwater sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include stress, neurological effects, bubble formation, and other types of organ or tissue damage. Some marine mammal species (*i.e.,* beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg, 2000; Sapolsky *et al.,* 2005; Seyle, 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: Behavioral responses; autonomic nervous system responses; neuroendocrine responses; or immune responses.

In the case of many stressors, an animal's first and most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response, which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with ''stress.'' These responses have a relatively short duration and may or may not have significant long-term effects on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine or sympathetic nervous systems; the system that has received the most study has been the hypothalmus-pituitary-adrenal system (also known as the HPA axis in mammals or the hypothalamus-pituitary-interrenal axis in fish and some reptiles). Unlike stress responses associated with the autonomic nervous system, virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg, 1987), altered metabolism (Elasser *et al.,* 2000), reduced immune competence (Blecha, 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic functions, which impair those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called ''distress'' (sensu Seyle, 1950) or ''allostatic loading'' (sensu McEwen and Wingfield, 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiment; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Although no information has been collected on the physiological responses of marine mammals to anthropogenic sound exposure, studies of other marine animals and terrestrial animals would lead us to expect some marine mammals experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to anthropogenic sounds.

For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (*e.g.,* elevated respiration and increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute,

repetitive exposures to acoustic disturbance. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.* (2004a, 2004b) identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.,* goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, we assume that reducing a marine mammal's ability to gather information about its environment and communicate with other members of its species would induce stress, based on data that terrestrial animals exhibit those responses under similar conditions (NRC, 2003) and because marine mammals use hearing as their primary sensory mechanism. Therefore, we assume that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses. More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg, 2000), NMFS also assumes that stress responses could persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

Resonance effects (Gentry, 2002) and direct noise-induced bubble formations (Crum *et al.,* 2005) are implausible in the case of exposure to an impulsive broadband source like an airgun array. If seismic surveys disrupt diving patterns of deep-diving species, this might result in bubble formation and a form of the bends, as speculated to occur in beaked whales exposed to sonar. However, there is no specific evidence of this upon exposure to airgun pulses. Additionally, no beaked whale species occur in the proposed project area.

In general, very little is known about the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. Such effects, if they occur at all, would presumably be limited to short distances and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. There is no definitive evidence that any of these effects occur even for marine mammals in close proximity to large arrays of airguns, which are not proposed for use during this program. In addition, marine mammals that show behavioral avoidance of industry activities, including bowheads, belugas, and some pinnipeds, are especially unlikely to incur non-auditory impairment or other physical effects.

6. Stranding and Mortality

Marine mammals close to underwater detonations of high explosive can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten *et al.,* 1993; Ketten, 1995). Airgun pulses are less energetic and their peak amplitudes have slower rise times. To date, there is no evidence that serious injury, death, or stranding by marine mammals can occur from exposure to airgun pulses, even in the case of large airgun arrays. Additionally, SAE's project will use small and medium sized airgun arrays in shallow water. NMFS does not expect any marine mammals will incur serious injury or mortality in the shallow waters off Beaufort Sea or strand as a result of the proposed seismic survey.

7. Potential Effects From Pingers on Marine Mammals

Active acoustic sources other than the airguns have been proposed for SAE's 2015 seismic survey in Beaufort Sea, Alaska. In general, the potential effects of this equipment on marine mammals are similar to those from the airguns, except the magnitude of the impacts is expected to be much less due to the lower intensity of the source.

Vessel Impacts

Vessel activity and noise associated with vessel activity will temporarily increase in the action area during SAE's seismic survey as a result of the operation of about 8 vessels. To minimize the effects of vessels and noise associated with vessel activity, SAE will alter speed if a marine mammal gets too close to a vessel. In addition, source vessels will be operating at slow speed (4–5 knots) when conducting surveys. Marine mammal monitoring observers will alert vessel captains as animals are detected to ensure safe and effective measures are applied to avoid coming into direct contact with marine mammals. Therefore, NMFS neither anticipates nor authorizes takes of marine mammals from ship strikes.

McCauley *et al.* (1996) reported several cases of humpback whales responding to vessels in Hervey Bay, Australia. Results indicated clear avoidance at received levels between 118 to 124 dB in three cases for which response and received levels were observed/measured.

Palka and Hammond (2001) analyzed line transect census data in which the orientation and distance off transect line were reported for large numbers of minke whales. The authors developed a method to account for effects of animal movement in response to sighting platforms. Minor changes in locomotion speed, direction, and/or diving profile were reported at ranges from 1,847 to 2,352 ft (563 to 717 m) at received levels of 110 to 120 dB.

Odontocetes, such as beluga whales, killer whales, and harbor porpoises, often show tolerance to vessel activity; however, they may react at long distances if they are confined by ice, shallow water, or were previously harassed by vessels (Richardson *et al.,* 1995). Beluga whale response to vessel noise varies greatly from tolerance to extreme sensitivity depending on the activity of the whale and previous experience with vessels (Richardson *et al.,* 1995). Reactions to vessels depend on whale activities and experience, habitat, boat type, and boat behavior (Richardson *et al.,* 1995) and may include behavioral responses, such as altered headings or avoidance (Blane and Jaakson, 1994; Erbe and Farmer, 2000); fast swimming; changes in vocalizations (Lesage *et al.,* 1999; Scheifele *et al.,* 2005); and changes in dive, surfacing, and respiration patterns.

There are few data published on pinniped responses to vessel activity, and most of the information is anecdotal (Richardson *et al.,* 1995). Generally, sea lions in water show tolerance to close and frequently approaching vessels and sometimes show interest in fishing vessels. They are less tolerant when hauled out on land; however, they rarely react unless the vessel approaches within 100–200 m (330–660 ft; reviewed in Richardson *et al.,* 1995).

The addition of the vessels and noise due to vessel operations associated with the seismic survey is not expected to

have effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Anticipated Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat and other marine species are associated with elevated sound levels produced by airguns and other active acoustic sources. However, other potential impacts to the surrounding habitat from physical disturbance are also possible. This section describes the potential impacts to marine mammal habitat from the specified activity. Because the marine mammals in the area feed on fish and/or invertebrates there is also information on the species typically preyed upon by the marine mammals in the area.

Common Marine Mammal Prey in the Project Area

All of the marine mammal species that may occur in the proposed project area prey on either marine fish or invertebrates. The ringed seal feeds on fish and a variety of benthic species, including crabs and shrimp. Bearded seals feed mainly on benthic organisms, primarily crabs, shrimp, and clams. Spotted seals feed on pelagic and demersal fish, as well as shrimp and cephalopods. They are known to feed on a variety of fish including herring, capelin, sand lance, Arctic cod, saffron cod, and sculpins. Ribbon seals feed primarily on pelagic fish and invertebrates, such as shrimp, crabs, squid, octopus, cod, sculpin, pollack, and capelin. Juveniles feed mostly on krill and shrimp.

Bowhead whales feed in the eastern Beaufort Sea during summer and early autumn but continue feeding to varying degrees while on their migration through the central and western Beaufort Sea in the late summer and fall (Richardson and Thomson [eds.], 2002). When feeding in relatively shallow areas, bowheads feed throughout the water column. However, feeding is concentrated at depths where zooplankton is concentrated (Wursig *et al.,* 1984, 1989; Richardson [ed.], 1987; Griffiths *et al.,* 2002). Lowry and Sheffield (2002) found that copepods and euphausiids were the most common prey found in stomach samples from bowhead whales harvested in the Kaktovik area from 1979 to 2000. Areas to the east of Barter Island (which is approximately 120 mi east of SAE's proposed seismic area) appear to be used regularly for feeding as bowhead whales migrate slowly westward across the Beaufort Sea (Thomson and Richardson, 1987; Richardson and Thomson [eds.], 2002).

Recent articles and reports have noted bowhead whales feeding in several areas of the U.S. Beaufort Sea. The Barrow area is commonly used as a feeding area during spring and fall, with a higher proportion of photographed individuals displaying evidence of feeding in fall rather than spring (Mocklin, 2009). A bowhead whale feeding ''hotspot'' (Okkonen *et al.,* 2011) commonly forms on the western Beaufort Sea shelf off Point Barrow in late summer and fall. Favorable conditions concentrate euphausiids and copepods, and bowhead whales congregate to exploit the dense prey (Ashjian *et al.,* 2010, Moore *et al.,* 2010; Okkonen *et al.,* 2011). Surveys have also noted bowhead whales feeding in the Camden Bay area during the fall (Koski and Miller, 2009; Quakenbush *et al.,* 2010).

The 2006–2008 BWASP Final Report (Clarke *et al.,* 2011a) and the 2009 BWASP Final Report (Clarke *et al.,* 2011b) note sightings of feeding bowhead whales in the Beaufort Sea during the fall season. During that 4 year period, the largest groups of feeding whales were sighted between Smith Bay and Point Barrow (hundreds of miles to the west of Prudhoe Bay), and none were sighted feeding in Camden Bay (Clarke *et al.,* 2011a,b). Clarke and Ferguson (undated) examined the raw BWASP data from the years 2000–2009. They noted that feeding behavior was noted more often in September than October and that while bowheads were observed feeding throughout the study area (which includes the entire U.S. Beaufort Sea), sightings were less frequent in the central Alaskan Beaufort than they were east of Kaktovik and west of Smith Bay. Additionally, Clarke and Ferguson (undated) and Clarke *et al.* (2011b) refer to information from Ashjian *et al.* (2010), which describes the importance of wind-driven currents that produce favorable feeding conditions for bowhead whales in the area between Smith Bay and Point Barrow. Increased winds in that area may be increasing the incidence of upwelling, which in turn may be the reason for increased sightings of feeding bowheads in the area. Clarke and Ferguson (undated) also note that the incidence of feeding bowheads in the eastern Alaskan Beaufort Sea has decreased since the early 1980s.

Beluga whales feed on a variety of fish, shrimp, squid and octopus (Burns and Seaman, 1985). Very few beluga whales occur nearshore; their main migration route is much further offshore. Like several of the other species in the area, harbor porpoise feed on demersal and benthic species, mainly schooling fish and cephalopods. Depending on the type of killer whale (transient or resident), they feed on fish and/or marine mammals. However, harbor porpoises and killer whales are not commonly found in Prudhoe Bay.

Gray whales are primarily bottom feeders, and benthic amphipods and isopods form the majority of their summer diet, at least in the main summering areas west of Alaska (Oliver *et al.,* 1983; Oliver and Slattery, 1985). Farther south, gray whales have also been observed feeding around kelp beds, presumably on mysid crustaceans, and on pelagic prey such as small schooling fish and crab larvae (Hatler and Darling, 1974). However, the central Beaufort Sea is not known to be a primary feeding ground for gray whales.

Two kinds of fish inhabit marine waters in the study area: (1) True marine fish that spend all of their lives in salt water, and (2) anadromous species that reproduce in fresh water and spend parts of their life cycles in salt water.

Most arctic marine fish species are small, benthic forms that do not feed high in the water column. The majority of these species are circumpolar and are found in habitats ranging from deep offshore water to water as shallow as 16.4–33 ft (5–10 m; Fechhelm *et al.,* 1995). The most important pelagic species, and the only abundant pelagic species, is the Arctic cod. The Arctic cod is a major vector for the transfer of energy from lower to higher trophic levels (Bradstreet *et al.,* 1986). In summer, Arctic cod can form very large schools in both nearshore and offshore waters (Craig *et al.,* 1982; Bradstreet *et al.,* 1986). Locations and areas frequented by large schools of Arctic cod cannot be predicted but can be almost anywhere. The Arctic cod is a major food source for beluga whales, ringed seals, and numerous species of seabirds (Frost and Lowry, 1984; Bradstreet *et al.,* 1986).

Anadromous Dolly Varden char and some species of whitefish winter in rivers and lakes, migrate to the sea in spring and summer, and return to fresh water in autumn. Anadromous fish form the basis of subsistence, commercial, and small regional sport fisheries. Dolly Varden char migrate to the sea from May through mid-June (Johnson, 1980) and spend about 1.5–2.5 months there (Craig, 1989). They return to rivers beginning in late July or early August with the peak return migration occurring between mid-August and early September (Johnson, 1980). At sea, most anadromous corregonids

(whitefish) remain in nearshore waters within several kilometers of shore (Craig, 1984, 1989). They are often termed ''amphidromous'' fish in that they make repeated annual migrations into marine waters to feed, returning each fall to overwinter in fresh water.

Benthic organisms are defined as bottom dwelling creatures. Infaunal organisms are benthic organisms that live within the substrate and are often sedentary or sessile (bivalves, polychaetes). Epibenthic organisms live on or near the bottom surface sediments and are mobile (amphipods, isopods, mysids, and some polychaetes). Epifauna, which live attached to hard substrates, are rare in the Beaufort Sea because hard substrates are scarce there. A small community of epifauna, the Boulder Patch, occurs in Stefansson Sound.

Many of the nearshore benthic marine invertebrates of the Arctic are circumpolar and are found over a wide range of water depths (Carey *et al.,* 1975). Species identified include polychaetes (*Spio filicornis, Chaetozone setosa, Eteone longa*), bivalves (*Cryrtodaria kurriana, Nucula tenuis, Liocyma fluctuosa*), an isopod (*Saduria entomon*), and amphipods (*Pontoporeia femorata, P. affinis*).

Nearshore benthic fauna have been studied in Beaufort Sea lagoons and near the mouth of the Colville River (Kinney *et al.,* 1971, 1972; Crane and Cooney, 1975). The waters of Simpson Lagoon, Harrison Bay, and the nearshore region support a number of infaunal species including crustaceans, mollusks, and polychaetes. In areas influenced by river discharge, seasonal changes in salinity can greatly influence the distribution and abundance of benthic organisms. Large fluctuations in salinity and temperature that occur over a very short time period, or on a seasonal basis, allow only very adaptable, opportunistic species to survive (Alexander *et al.,* 1974). Since shorefast ice is present for many months, the distribution and abundance of most species depends on annual (or more frequent) recolonization from deeper offshore waters (Woodward Clyde Consultants, 1995). Due to ice scouring, particularly in water depths of less than 8 ft (2.4 m), infaunal communities tend to be patchily distributed. Diversity increases with water depth until the shear zone is reached at 49–82 ft (15–25 m; Carey, 1978). Biodiversity then declines due to ice gouging between the landfast ice and the polar pack ice (Woodward Clyde Consultants, 1995).

Potential Impacts From Sound Generation

With regard to fish as a prey source for odontocetes and seals, fish are known to hear and react to sounds and to use sound to communicate (Tavolga *et al.,* 1981) and possibly avoid predators (Wilson and Dill, 2002). Experiments have shown that fish can sense both the strength and direction of sound (Hawkins, 1981). Primary factors determining whether a fish can sense a sound signal, and potentially react to it, are the frequency of the signal and the strength of the signal in relation to the natural background noise level.

Fishes produce sounds that are associated with behaviors that include territoriality, mate search, courtship, and aggression. It has also been speculated that sound production may provide the means for long distance communication and communication under poor underwater visibility conditions (Zelick *et al.,* 1999), although the fact that fish communicate at low-frequency sound levels where the masking effects of ambient noise are naturally highest suggests that very long distance communication would rarely be possible. Fishes have evolved a diversity of sound generating organs and acoustic signals of various temporal and spectral contents. Fish sounds vary in structure, depending on the mechanism used to produce them (Hawkins, 1993). Generally, fish sounds are predominantly composed of low frequencies (less than 3 kHz).

Since objects in the water scatter sound, fish are able to detect these objects through monitoring the ambient noise. Therefore, fish are probably able to detect prey, predators, conspecifics, and physical features by listening to environmental sounds (Hawkins, 1981). There are two sensory systems that enable fish to monitor the vibration-based information of their surroundings. The two sensory systems, the inner ear and the lateral line, constitute the acoustico-lateralis system.

Although the hearing sensitivities of very few fish species have been studied to date, it is becoming obvious that the intra- and inter-specific variability is considerable (Coombs, 1981). Nedwell *et al.* (2004) compiled and published available fish audiogram information. A noninvasive electrophysiological recording method known as auditory brainstem response is now commonly used in the production of fish audiograms (Yan, 2004). Generally, most fish have their best hearing in the low-frequency range (*i.e.,* less than 1 kHz). Even though some fish are able to detect sounds in the ultrasonic frequency range, the thresholds at these higher frequencies tend to be considerably higher than those at the lower end of the auditory frequency range.

Literature relating to the impacts of sound on marine fish species can be divided into the following categories: (1) Pathological effects; (2) physiological effects; and (3) behavioral effects. Pathological effects include lethal and sub-lethal physical damage to fish; physiological effects include primary and secondary stress responses; and behavioral effects include changes in exhibited behaviors of fish. Behavioral changes might be a direct reaction to a detected sound or a result of the anthropogenic sound masking natural sounds that the fish normally detect and to which they respond. The three types of effects are often interrelated in complex ways. For example, some physiological and behavioral effects could potentially lead to the ultimate pathological effect of mortality. Hastings and Popper (2005) reviewed what is known about the effects of sound on fishes and identified studies needed to address areas of uncertainty relative to measurement of sound and the responses of fishes. Popper *et al.* (2003/2004) also published a paper that reviews the effects of anthropogenic sound on the behavior and physiology of fishes.

Potential effects of exposure to sound on marine fish include TTS, physical damage to the ear region, physiological stress responses, and behavioral responses such as startle response, alarm response, avoidance, and perhaps lack of response due to masking of acoustic cues. Most of these effects appear to be either temporary or intermittent and therefore probably do not significantly impact the fish at a population level. The studies that resulted in physical damage to the fish ears used noise exposure levels and durations that were far more extreme than would be encountered under conditions similar to those expected during SAE's proposed survey.

The level of sound at which a fish will react or alter its behavior is usually well above the detection level. Fish have been found to react to sounds when the sound level increased to about 20 dB above the detection level of 120 dB (Ona, 1988); however, the response threshold can depend on the time of year and the fish's physiological condition (Engas *et al.,* 1993). In general, fish react more strongly to pulses of sound rather than a continuous signal (Blaxter *et al.,* 1981), such as the type of sound that will be produced by the drillship, and a quicker alarm response is elicited when the

sound signal intensity rises rapidly compared to sound rising more slowly to the same level.

Investigations of fish behavior in relation to vessel noise (Olsen *et al.,* 1983; Ona, 1988; Ona and Godo, 1990) have shown that fish react when the sound from the engines and propeller exceeds a certain level. Avoidance reactions have been observed in fish such as cod and herring when vessels approached close enough that received sound levels are 110 dB to 130 dB (Nakken, 1992; Olsen, 1979; Ona and Godo, 1990; Ona and Toresen, 1988). However, other researchers have found that fish such as polar cod, herring, and capeline are often attracted to vessels (apparently by the noise) and swim toward the vessel (Rostad *et al.,* 2006). Typical sound source levels of vessel noise in the audible range for fish are 150 dB to 170 dB (Richardson *et al.,* 1995a). In calm weather, ambient noise levels in audible parts of the spectrum lie between 60 dB to 100 dB.

Short, sharp sounds can cause overt or subtle changes in fish behavior. Chapman and Hawkins (1969) tested the reactions of whiting (hake) in the field to an airgun. When the airgun was fired, the fish dove from 82 to 180 ft (25 to 55 m) depth and formed a compact layer. The whiting dove when received sound levels were higher than 178 dB re 1 μPa (Pearson *et al.,* 1992).

Pearson *et al.* (1992) conducted a controlled experiment to determine effects of strong noise pulses on several species of rockfish off the California coast. They used an airgun with a source level of 223 dB re 1 μPa. They noted:

- Startle responses at received levels of 200–205 dB re 1 μPa and above for two sensitive species, but not for two other species exposed to levels up to 207 dB;
- Alarm responses at 177–180 dB for the two sensitive species, and at 186 to 199 dB for other species;
- An overall threshold for the above behavioral response at about 180 dB;
- An extrapolated threshold of about 161 dB for subtle changes in the behavior of rockfish; and
- A return to pre-exposure behaviors within the 20–60 minute exposure period.

In summary, fish often react to sounds, especially strong and/or intermittent sounds of low frequency. Sound pulses at received levels of 160 dB re 1 μPa may cause subtle changes in behavior. Pulses at levels of 180 dB may cause noticeable changes in behavior (Chapman and Hawkins, 1969; Pearson *et al.,* 1992; Skalski *et al.,* 1992). It also appears that fish often habituate to repeated strong sounds rather rapidly, on time scales of minutes to an hour. However, the habituation does not endure, and resumption of the strong sound source may again elicit disturbance responses from the same fish.

Some of the fish species found in the Arctic are prey sources for odontocetes and pinnipeds. A reaction by fish to sounds produced by SAEs proposed survey would only be relevant to marine mammals if it caused concentrations of fish to vacate the area. Pressure changes of sufficient magnitude to cause that type of reaction would probably occur only very close to the sound source, if any would occur at all. Impacts on fish behavior are predicted to be inconsequential. Thus, feeding odontocetes and pinnipeds would not be adversely affected by this minimal loss or scattering, if any, of reduced prey abundance.

Some mysticetes, including bowhead whales, feed on concentrations of zooplankton. Some feeding bowhead whales may occur in the Alaskan Beaufort Sea in July and August, but feeding bowheads are more likely to occur in the area after the cessation of airgun operations. Reactions of zooplankton to sound are, for the most part, not known. Their ability to move significant distances is limited or nil, depending on the type of zooplankton. Behavior of zooplankters is not expected to be affected by the survey. These animals have exoskeletons and no air bladders. Many crustaceans can make sounds, and some crustacea and other invertebrates have some type of sound receptor. A reaction by zooplankton to sounds produced by the seismic survey would only be relevant to whales if it caused concentrations of zooplankton to scatter. Pressure changes of sufficient magnitude to cause that type of reaction would probably occur only very close to the sound source, if any would occur at all. Impacts on zooplankton behavior are predicted to be inconsequential. Thus, feeding mysticetes would not be adversely affected by this minimal loss or scattering, if any, of reduced zooplankton abundance.

Based on the preceding discussion, the proposed activity is not expected to have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

For the proposed SAE open-water 3D OBN seismic surveys in the Beaufort Sea, NMFS worked with SAE to propose the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of SAE's survey activities. The primary purpose of these mitigation measures is to detect marine mammals within, or about to enter, designated exclusion zones and to initiate immediate shutdown or power down of the airgun(s).

(1) Establishing Exclusion and Disturbance Zones

Under current NMFS guidelines, the ''exclusion zone'' for marine mammal exposure to impulse sources is customarily defined as the area within which received sound levels are ≥180 dB (rms) re 1 μPa for cetaceans and ≥190 dB (rms) re 1 μPa for pinnipeds. These safety criteria are based on an assumption that SPL received at levels lower than these will not injure these animals or impair their hearing abilities, but at higher levels might have some such effects. Disturbance or behavioral effects to marine mammals from underwater sound may occur after exposure to sound at distances greater than the exclusion zones (Richardson *et al.* 1995). Currently, NMFS uses 160 dB (rms) re 1 μPa as the threshold for Level B behavioral harassment from impulse noise.

In 2014, Heath *et al.* (2014) conducted a sound source verification (SSV) of the very same 620-in^3 array SAE plans to use in 2015. The SSV was conducted in generally the same survey area of SAE's planned 2015 work. They empirically determined that the distances to the 190, 180, and 160 dB isopleths for sound pressure levels emanating from the 620-in^3 array was 195, 635, and 1,820 m, respectively (Table 3). Heath *et al.* (2014) also measured sound pressure levels from an active 10-in^3 gun during SAE's 2014 Beaufort operations and found noise levels exceeding 190 dB extended out 54 m, exceeding 180 dB out to 188 m, and exceeding 160 dB out to 1,050 m (Table 3).

Sound source studies have not been done for the 1,240-in^3 array; however, Austin and Warner (2013) conducted a sound source verification of a 1,200-in^3 array operated by SAE in Cook Inlet found the radius to the 190 dB isopleth

to be 250 m, to the 180 dB isopleth to be 910 m, and to the 160 dB isopleth to be 5,200 m. These are the distance values SAE intends to use before the SSV for the 1,240 in³ airgun arrays are obtained before the survey. If SAE plans to use the 1,240 in³ airgun arrays, SSV of these zones will be empirically measured before the 2015 open-water seismic survey for monitoring and mitigation measures.

TABLE 3—SUMMARY OF AIRGUN ARRAY SOURCE LEVELS AND PROPOSED EXCLUSION ZONE AND ZONES OF INFLUENCE RADII

Array size (in³)	Source level (dB)	190 dB radius (m)	180 dB radius (m)	160 dB radius (m)
10	195	54	188	1,050
620	218	195	635	1,820
1,240*	224	250	910	5,200

* Denotes modelled source level that need to be empirically measured before the seismic survey.

(2) Vessel Related Mitigation Measures

These mitigation measures apply to all vessels that are part of SAE's Beaufort Sea seismic survey activities, including supporting vessels.

- Avoid concentrations or groups of whales. Operators of vessels should, at all times, conduct their activities at the maximum distance possible from such concentrations or groups of whales.
- If any vessel approaches within 1.6 km (1 mi) of observed whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the whales by taking one or more of the following actions, as appropriate:
  - Reducing vessel speed to less than 5 knots within 300 yards (900 feet or 274 m) of the whale(s);
  - Steering around the whale(s) if possible;
  - Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;
  - Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and
  - Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.
- Reduce vessel speed, not to exceed 5 knots, when weather conditions require, such as when visibility drops, to avoid the likelihood of injury to whales.

(3) Mitigation Measures for Airgun Operations

The primary requirements for airgun mitigation during the seismic surveys are to monitor marine mammals near the airgun array during all daylight airgun operations and during any nighttime start-up of the airguns and, if any marine mammals are observed, to adjust airgun operations, as necessary, according to the mitigation measures described below. During the seismic surveys, PSOs will monitor the pre-established exclusion zones for the presence of marine mammals. When marine mammals are observed within, or about to enter, designated safety zones, PSOs have the authority to call for immediate power down (or shutdown) of airgun operations, as required by the situation. A summary of the procedures associated with each mitigation measure is provided below.

Ramp Up Procedure

A ramp up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume is achieved. The purpose of a ramp up (or ''soft start'') is to ''warn'' cetaceans and pinnipeds in the vicinity of the airguns and to provide time for them to leave the area and thus avoid any potential injury or impairment of their hearing abilities.

During the open-water survey program, the seismic operator will ramp up the airgun arrays slowly. Full ramp ups (*i.e.,* from a cold start after a shutdown, when no airguns have been firing) will begin by firing a single airgun in the array (*i.e.,* the mitigation airgun). A full ramp up, after a shutdown, will not begin until there has been a minimum of 30 minutes of observation of the safety zone by PSOs to assure that no marine mammals are present. The entire exclusion zone must be visible during the 30-minute lead-in to a full ramp up. If the entire exclusion zone is not visible, then ramp up from a cold start cannot begin. If a marine mammal is sighted within the exclusion zone during the 30-minute watch prior to ramp up, ramp up will be delayed until the marine mammal is sighted outside of the exclusion zone or the animal is not sighted for at least 15 minutes, for small odontocetes (harbor porpoise) and pinnipeds, or 30 minutes, for baleen whales and large odontocetes (including beluga and killer whales and narwhal).

Use of a Small-Volume Airgun During Turns and Transits

Throughout the seismic survey, during turning movements and short transits, SAE will employ the use of the smallest-volume airgun (*i.e.,* ''mitigation airgun'') to deter marine mammals from being within the immediate area of the seismic operations. The mitigation airgun will be operated at approximately one shot per minute and will not be operated for longer than three hours in duration (turns may last two to three hours for the project).

During turns or brief transits (*i.e.,* less than three hours) between seismic tracklines, one mitigation airgun will continue operating. The ramp up procedures described above will be followed when increasing the source levels from the one mitigation airgun to the full airgun array. However, keeping one airgun firing during turns and brief transits will allow SAE to resume seismic surveys using the full array without having to ramp up from a ''cold start,'' which requires a 30-minute observation period of the full exclusion zone and is prohibited during darkness or other periods of poor visibility. PSOs will be on duty whenever the airguns are firing during daylight and during the 30-minute periods prior to ramp-ups from a ''cold start.''

Power Down and Shutdown Procedures

A power down is the immediate reduction in the number of operating energy sources from all firing to some smaller number (*e.g.,* a single mitigation airgun). A shutdown is the immediate cessation of firing of all energy sources. The array will be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full array, but is outside the applicable exclusion zone of the single mitigation airgun. If a marine mammal is sighted

within or about to enter the applicable exclusion zone of the single mitigation airgun, the entire array will be shut down (*i.e.,* no sources firing). In addition, SAE will implement shutdown measures when aggregations of bowhead whales or gray whales that appear to be engaged in non-migratory significant biological behavior (*e.g.,* feeding, socializing) are observed within the 160-dB harassment zone around the seismic operations.

Poor Visibility Conditions

SAE plans to conduct 24-hour operations. PSOs will not be on duty during ongoing seismic operations during darkness, given the very limited effectiveness of visual observation at night (there will be no periods of darkness in the survey area until mid-August). The provisions associated with operations at night or in periods of poor visibility include the following:

- If during foggy conditions, heavy snow or rain, or darkness (which may be encountered starting in late August), the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down.
- If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

Mitigation Conclusions

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

- The manner in which, and the degree to which, the successful implementation of the measures are expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

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

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of seismic airguns, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of seismic airguns or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of seismic airguns or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).

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

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

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. Proposed measures to ensure availability of such species or stock for taking for certain subsistence uses are discussed later in this document (see ''Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses'' section).

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. SAE submitted a marine mammal monitoring plan as part of the IHA application. The plan may be modified or supplemented based on comments or new information received from the public during the public comment period or from the peer review panel (see the ''Monitoring Plan Peer Review'' section later in this document).

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

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, *i.e.,* presence, abundance, distribution, and/or density of species.

2. An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammal species to any of the potential stressor(s) associated with the action (*e.g.* sound or visual stimuli), through better understanding of one or more of the following: the action itself and its environment (*e.g.* sound source characterization, propagation, and ambient noise levels); the affected species (*e.g.* life history or dive pattern); the likely co-occurrence of marine mammal species with the action (in whole or part) associated with specific adverse effects; and/or the likely biological or behavioral context of exposure to the stressor for the marine mammal (*e.g.* age class of exposed animals or known pupping, calving or feeding areas).

3. An increase in our understanding of how individual marine mammals respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, *e.g.,* at what distance or received level).

4. An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: the long-term fitness and survival of an individual; or the population, species, or stock (*e.g.*

through effects on annual rates of recruitment or survival).

5. An increase in our understanding of how the activity affects marine mammal habitat, such as through effects on prey sources or acoustic habitat (*e.g.,* through characterization of longer-term contributions of multiple sound sources to rising ambient noise levels and assessment of the potential chronic effects on marine mammals).

6. An increase in understanding of the impacts of the activity on marine mammals in combination with the impacts of other anthropogenic activities or natural factors occurring in the region.

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

8. An increase in the probability of detecting marine mammals (through improved technology or methodology), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals.

Proposed Monitoring Measures

Monitoring will provide information on the numbers of marine mammals potentially affected by the exploration operations and facilitate real-time mitigation to prevent injury of marine mammals by industrial sounds or activities. These goals will be accomplished in the Beaufort Sea during 2015 by conducting vessel-based monitoring and passive acoustic monitoring to document marine mammal presence and distribution in the vicinity of the survey area.

Visual monitoring by Protected Species Observers (PSOs) during seismic survey operations, and periods when these surveys are not occurring, will provide information on the numbers of marine mammals potentially affected by these activities and facilitate real-time mitigation to prevent impacts to marine mammals by industrial sounds or operations. Vessel-based PSOs onboard the survey vessels and mitigation vessel will record the numbers and species of marine mammals observed in the area and any observable reaction of marine mammals to the survey activities in the Beaufort Sea.

Visual-Based PSOs

The visual-based marine mammal monitoring will be implemented by a team of experienced PSOs, including both biologists and Inupiat personnel. PSOs will be stationed aboard both survey vessels through the duration of the project. The vessel-based marine mammal monitoring will provide the basis for real-time mitigation measures as discussed in the Mitigation Measures section. In addition, monitoring results of the vessel-based monitoring program will include the estimation of the number of ''takes'' as stipulated in the IHA.

(1) PSOs

Vessel-based monitoring for marine mammals will be done by trained PSOs throughout the period of survey activities. The observers will monitor the occurrence of marine mammals near the survey vessel during all daylight periods during operation, and during most daylight periods when operations are not occurring. PSO duties will include watching for and identifying marine mammals; recording their numbers, distances, and reactions to the survey operations; and documenting ''take by harassment.''

A sufficient number of PSOs will be required onboard each survey vessel to meet the following criteria:

- 100% Monitoring coverage during all periods of survey operations in daylight;
- Maximum of 4 consecutive hours on watch per PSO; and
- Maximum of 12 hours of watch time per day per PSO.

PSO teams will consist of Inupiat observers and experienced field biologists. Each vessel will have an experienced field crew leader to supervise the PSO team. The total number of PSOs may decrease later in the season as the duration of daylight decreases.

(2) PSO Role and Responsibilities

When onboard the seismic and support vessels, there are three major parts to the PSO position:

- Observe and record sensitive wildlife species;
- Ensure mitigation procedures are followed accordingly; and
- Follow monitoring and data collection procedures.

The main roles of the PSO and the monitoring program are to ensure compliance with regulations set in place by NMFS to ensure that disturbance of marine mammals is minimized, and potential effects on marine mammals are documented. The PSOs will implement the monitoring and mitigation measures specified in the IHA (if issued). The primary purposes of the PSOs on board of the vessels are:

- Mitigation: Implement mitigation clearing and ramp up measures, observe for and detect marine mammals within, or about to enter the applicable safety zone and implement necessary shut down, power down and speed/course alteration mitigation procedures when applicable. Advise marine crew of mitigation procedures.
- Monitoring: Observe for marine mammals and determine numbers of marine mammals exposed to sound pulses and their reactions (where applicable) and document those as required.

(3) Observer Qualifications and Training

Crew leaders and most PSOs will be individuals with experience as observers during recent seismic, site clearance and shallow hazards, and other monitoring projects in Alaska or other offshore areas in recent years. New or inexperienced PSOs will be paired with an experienced PSO or experienced field biologist so that the quality of marine mammal observations and data recording is kept consistent.

Biologist-observers will have previous marine mammal observation experience, and field crew leaders will be highly experienced with previous vessel-based marine mammal monitoring and mitigation projects. Resumes for those individuals will be provided to NMFS for review and acceptance of their qualifications. Inupiat observers will be experienced in the region and familiar with the marine mammals of the area. All observers will complete a NMFS-approved observer training course designed to familiarize individuals with monitoring and data collection procedures.

PSOs will complete a 2-day or 3-day training and refresher session on marine mammal monitoring, to be conducted shortly before the anticipated start of the 2015 open-water season. Any exceptions will have or receive equivalent experience or training. The training session(s) will be conducted by qualified marine mammalogists with extensive crew-leader experience during previous vessel-based seismic monitoring programs.

(4) Marine Mammal Observer Protocol

Source vessels will employ PSOs to identify marine mammals during all hours of airgun operations. To better observe the exclusion zone, a lead PSO, one or two PSOs, and an Inupiaq communicator will be on primary source vessel and two PSOs will be stationed aboard the secondary source vessel. (The total number of observers is limited by available berthing space aboard the vessels.) The three to four total observers aboard the primary source vessel will allow two observers simultaneously on watch during daylight hours.

The PSOs will watch for marine mammals during all periods of source operations and for a minimum of 30 minutes prior to the planned start of airgun or pinger operations after an extended shutdown. Marine mammal monitoring shall continue throughout airgun operations and last for 30 minutes after the finish of airgun firing. SAE vessel crew and operations personnel will also watch for marine mammals, as practical, to assist and alert the PSOs for the airgun(s) to be shut down if marine mammals are observed in or about to enter the exclusion zone.

The PSOs will watch for marine mammals from the best available vantage point on the survey vessels, typically the bridge. The PSOs will scan the area around the vessel systematically with reticle binoculars (*e.g.,* 7 × 50 and 16–40 × 80) and with the naked eye. Laser range finders (Leica LRF 1200 laser rangefinder or equivalent) will be available to assist with distance estimation.

The observers will give particular attention to the areas within the marine mammal exclusion zones around the source vessels. These zones are the maximum distances within which received levels may exceed 180 dB (rms) re 1 μPa (rms) for cetaceans, or 190 dB (rms) re 1 μPa for pinnipeds.

When a marine mammal is seen approaching or within the exclusion zone applicable to that species, the seismic survey crew will be notified immediately so that mitigation measures called for in the applicable authorization(s) can be implemented.

Night-vision equipment (Generation 3 binocular image intensifiers or equivalent units) will be available for use if and when needed. Past experience with night-vision devices (NVDs) in the Beaufort Sea and elsewhere has indicated that NVDs are not nearly as effective as visual observation during daylight hours (*e.g.,* Harris *et al.* 1997, 1998; Moulton and Lawson 2002).

(5) Field Data-Recording

The PSOs will record field observation data and information about marine mammal sightings that include:

- Species, group size, age/size/sex categories (if determinable);
- Physical description of features that were observed or determined not to be present in the case of unknown or unidentified animals;
- Behavior when first sighted and after initial sighting, heading (if consistent);
- Bearing and distance from observer, apparent reaction to activities (*e.g.,* none, avoidance, approach, paralleling, etc.), closest point of approach, and behavioral pace;
- Time, location, speed, and activity of the source and mitigation vessels, sea state, ice cover, visibility, and sun glare; and
- Positions of other vessel(s) in the vicinity.

Acoustic Monitoring

(1) Sound Source Measurements

Since the same airgun array of 620 in^3 and a single mitigation airgun of 10 in3 to be used were empirically measured in the generally same seismic survey vicinity in 2014 (Heath 2014), NMFS does not think additional SSV tests for this array and a single airgun is necessary for the 2015 seismic survey. However, if SAE decides to use the 1,240 in^3 airgun arrays for deeper water, SSV on these arrays is required before the commencement of the surveys. Results of the acoustic characterization and SSV will be used to establish the 190 dB, 180 dB, 170 dB, and 160 dB isopleths for the 1,240 in^3 airgun arrays.

The results of the SSV will be submitted to NMFS within five days after completing the measurements, followed by a report to be submitted within 14 days after completion of the measurements. A more detailed report will be provided to NMFS as part of the required 90-day report following completion of the acoustic program.

(2) Passive Acoustic Monitoring

SAE proposes to conduct Passive Acoustical Monitoring (PAM) using specialized autonomous passive acoustical recorders. These recorders will be deployed on the seabed and will record continuously. The recorders will sit directly on the seabed and will be attached to a ground line with a small weight at its end. Each recorder will be retrieved by using a grapple to catch the ground line and recover the unit.

PAM Deployment

Passive acoustic recorders will be deployed in an arrangement surrounding the survey area for the purposes of PAM. The data collected will be used for post-season analysis of marine mammal vocalization detections to help inform an assessment of potential disturbance effects. The PAM data will also provide information about the long-range propagation of the airgun noise.

Data Analysis

PAM recordings will be processed at the end of the season using marine mammal detection and classification software capable of detecting vocalizations from marine mammals. Particular attention will be given to the detection of bowhead whale vocalizations since this is a species of particular concern due to its importance for local subsistence hunting.

PAM recordings will also be used to detect and quantify airgun pulses from the survey as recorded on the PAM recorders, to provide information about the long-range propagation of the survey noise.

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

NMFS has established an independent peer review panel to review SAE's 4MP for the proposed seismic survey in the Beaufort Sea. The panel has met in early March 2015, and will provide comments to NMFS in April 2015. After completion of the peer review, NMFS will consider all recommendations made by the panel, incorporate appropriate changes into the monitoring requirements of the IHA (if issued), and publish the panel's findings and recommendations in the final IHA notice of issuance or denial document.

Reporting Measures

(1) Sound Source Verification Report

As discussed earlier, if SAE plans to use the 1,240 in^3 airgun arrays, SSV tests on these arrays will be required. A report on the preliminary results of the sound source verification measurements, including the measured 190, 180, 170, and 160 dB (rms) radii of the 1,240 in^3 airgun array, would be submitted within 14 days after collection of those measurements at the start of the field season. This report will specify the distances of the exclusion zones that were adopted for the survey.

(2) Weekly Reports

SAE will submit weekly reports to NMFS no later than the close of business (Alaska Time) each Thursday during the weeks when seismic surveys take place. The field reports will summarize species detected, in-water activity occurring at the time of the sighting, behavioral reactions to in-

water activities, and the number of marine mammals exposed to harassment level noise.

(3) Monthly Reports

SAE will submit monthly reports to NMFS for all months during which seismic surveys take place. The monthly reports will contain and summarize the following information:

- Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort Sea state and wind force), and associated activities during the seismic survey and marine mammal sightings.
- Species, number, location, distance from the vessel, and behavior of any sighted marine mammals, as well as associated surveys (number of shutdowns), observed throughout all monitoring activities.
- An estimate of the number (by species) of: (i) Pinnipeds that have been exposed to the seismic surveys (based on visual observation) at received levels greater than or equal to 160 dB re 1 μPa (rms) and/or 190 dB re 1 μPa (rms) with a discussion of any specific behaviors those individuals exhibited; and (ii) cetaceans that have been exposed to the geophysical activity (based on visual observation) at received levels greater than or equal to 160 dB re 1 μPa (rms) and/or 180 dB re 1 μPa (rms) with a discussion of any specific behaviors those individuals exhibited.

(4) Technical Report

The results of SAE's 2015 vessel-based monitoring, including estimates of ''take'' by harassment, will be presented first in a ''90-day'' draft Technical Report, to be submitted to NMFS within 90 days after the end of the seismic survey, and then in a final Technical Report, which will address any comments NMFS had on the draft. The Technical Report will include:

(a) Summaries of monitoring effort (*e.g.,* total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

(b) Analyses of the effects of various factors influencing detectability of marine mammals (*e.g.,* sea state, number of observers, and fog/glare);

(c) Species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), group sizes, and ice cover;

(d) Data analysis separated into periods when a seismic airgun array (or a single mitigation airgun) is operating and when it is not, to better assess impacts to marine mammals—the final and comprehensive report to NMFS should summarize and plot:

- Data for periods when a seismic array is active and when it is not; and
- The respective predicted received sound conditions over fairly large areas (tens of km) around operations;

(e) Sighting rates of marine mammals during periods with and without airgun activities (and other variables that could affect detectability), such as:

- Initial sighting distances versus airgun activity state;
- Closest point of approach versus airgun activity state;
- Observed behaviors and types of movements versus airgun activity state;
- Numbers of sightings/individuals seen versus airgun activity state;
- Distribution around the survey vessel versus airgun activity state; and
- Estimates of take by harassment;

(f) Results from all hypothesis tests, including estimates of the associated statistical power, when practicable;

(g) Estimates of uncertainty in all take estimates, with uncertainty expressed by the presentation of confidence limits, a minimum-maximum, posterior probability distribution, or another applicable method, with the exact approach to be selected based on the sampling method and data available;

(h) A clear comparison of authorized takes and the level of actual estimated takes; and

(5) Notification of Injured or Dead Marine Mammals

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as a serious injury, or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), SAE would immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinators. The report would include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with SAE to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SAE would not be able to resume its activities until notified by NMFS via letter, email, or telephone.

In the event that SAE discovers a dead marine mammal, and the lead PSO determines that the cause of the death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), SAE would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with SAE to determine whether modifications in the activities are appropriate.

In the event that SAE discovers a dead marine mammal, and the lead PSO determines that the death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), SAE would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators, within 24 hours of the discovery. SAE would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. SAE can continue its operations under such a case.

Monitoring Results From Previously Authorized Activities

SAE was issued an IHA for a 3D OBN seismic survey in the same area of the proposed 2015 seismic survey in the Beaufort Sea during the 2014 Arctic open-water season. SAE conducted the seismic survey between August 25 and September 30, 2014. The technical report (90-day report) submitted by SAE indicates that one beluga whale and 2

spotted seals were observed within the 180-dB exclusion zones during the survey that prompted immediate shutdown. Two additional spotted seals were detected within the zone of influence when the airgun arrays were firing. Post-activity analysis based on total sighting data concluded that up to approximately 5 beluga whales and 264 pinnipeds (likely all spotted seals due to their large numbers) could be exposed to received levels above 160-dB re 1 μPa. Some of these could be exposed to levels that may have Level A harassment which was not authorized under the previous IHA. Nevertheless, take of Level B harassment were under the take limits allowed by the IHA issued to SAE.

Based on the monitoring results from SAE's 2014 seismic survey, NMFS is re-evaluating the potential effects on marine mammals and requested SAE to conduct analysis on potential Level A takes (see ''Estimated Take by Incidental Harassment'' section below).

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Takes by Level A and Level B harassments of some species are anticipated as a result of SAE's proposed 3D seismic survey. NMFS expects marine mammal takes could result from noise propagation from operation of seismic airguns. NMFS does not expect marine mammals would be taken by collision with seismic and support vessels, because the vessels will be moving at low speeds, and PSOs on the survey vessels and the mitigation vessel will be monitoring for marine mammals and will be able to alert the vessels to avoid any marine mammals in the area.

For impulse sounds, such as those produced by the airguns proposed to be used in SAE's 3D OBN seismic surveys, NMFS uses the 180 and 190 dB (rms) re 1 μPa isopleth to indicate the onset of Level A harassment for cetaceans and pinnipeds, respectively; and the 160 dB (rms) re 1 μPa isopleth for Level B harassment of all marine mammals. SAE provided calculations of the 190-, 180-, and 160-dB isopleths expected to be produced by the proposed seismic surveys and then used those isopleths to estimate takes by harassment. NMFS used those calculations to make the necessary MMPA findings. SAE provided a full description of the methodology used to estimate takes by harassment in its IHA application, which is also provided in the following sections.

Acoustic Footprint

The acoustical footprint that could cause harassment (Levels A and B) was determined by placing a 160-dB isopleth buffer around the area that would be surveyed (shot) during the 2015 open water season (777 km^2). SAE stated that for the majority of its proposed 2015 seismic survey, a 620 in^3 airgun array would be used. However, to make conservative impact analysis, SAE uses the acoustic footprint of a large 1,240 in^3 array for this analysis.

There are no precise estimates for the 1,240-in^3 array. The estimated distances to the 160 dB isopleth for the 1,240-in^3 array is based on the sound source measurements from Austin and Warner (2012) for a 1,200-in^3 array in Cook Inlet. The results showed a measured distance of 5.2 km to the 160 dB isopleths (Table 3). Placing a 5.2-km buffer around the 777 km^2 maximum shot area results in an estimated annual ZOI of 1,463 km^2 (565 mi^2), which is the ZOI value used in the exposure estimate calculations.

Because the exact location of the 2015 shoot area is currently unknown, the distribution of marine mammal habitat within the shoot area is unknown. However, within the 4,562 km^2 potential survey box, 18% (860 km^2) falls within the 0 to 1.5 m water depth range, 17% (753 km^2) falls within the 1.5 to 5 m range, 36% (1,635 km^2) within the 5 to 15 m range, and 30 percent% (1,348 km^2) within waters greater than 15 m deep (bowhead migration corridor). Thus, not all the area that could be surveyed in 2015 constitutes bowhead summer (>5 m depth) or fall migrating (>15 m depth) habitat. Further, few of the lease areas that could be shot in 2015 extend into the deeper waters of the potential survey box. The distribution of these depth ranges is found in Figure 6–1 of SAE's IHA application.

Marine Mammal Densities

Density estimates were derived for bowhead whales, beluga whales, ringed seals, spotted seals, and bearded seals as described below and shown in Table 4. There are no available Beaufort Sea density estimates for gray whales, or extralimital species such as humpback whales, narwhals, and ribbon seals. Encountering these animals during the seismic program would be unexpected. The density derivations for the five species presented in Table 4 are provided in the discussions below.

TABLE 4—MARINE MAMMAL DENSITIES (#/km^2) IN THE BEAUFORT SEA

Species	Summer	Fall
Bowhead whale	0.0049	0.0066
Beluga whale	0.0020	0.0057
Ringed seal	0.3547	0.2510
Spotted seal	0.0177	0.0125
Bearded seal	0.0177	0.0125

Bowhead Whale: The summer density estimate for bowhead whales was derived from July and August aerial survey data collected in the Beaufort Sea during the Aerial Surveys of Arctic Marine Mammals (ASAMM) program in 2012 and 2013. During this period, 276 bowhead whales were record along 24,560 km of transect line, or 0.0112 whales per km of transect line. Applying an effective strip half-width (ESW) of 1.15 (Ferguson and Clarke 2013), results in an uncorrected density of 0.0049. This is a much higher density than previous estimates (*e.g.,* Brandon *et al.* 2011) due to relatively high numbers of whales recorded in the Beaufort Sea in August 2013. In 2013, 205 whales were recorded along 9,758 km of transect line, with 78% of the sightings (160 whales) recorded the eastern most blocks 4, 5, 6, and 7. In contrast, 26 of the 71 whales (37%) recorded on-transect during summer 2012 were at or near Barrow Canyon (Block 12), or the western extreme of the Alaskan Beaufort Sea, while another 26 (37%) were recorded at the eastern extreme (Blocks 4, 5, 6, and 7). During these years lesser numbers were observed in Blocks 1 and 3 where the actual seismic survey is planned.

Fall density estimate was determined from September and October ASAMM data collected from 2006 to 2013. The Western Arctic stock of bowhead whale has grown considerably since the late 1970s; thus, data collected prior to 2006 probably does not well represent current whale densities. From 2006 to 2013, 1,286 bowhead whales were recorded along 84,400 km of transect line, or 0.1524 per km. Using an ESW of 1.15 results in an uncorrected density of 0.0066.

ASAMM aerial survey data was collected during summer and fall 2014, and is available to view as daily reports (*http://www.afsc.noaa.gov/NMML/cetacean/bwasp/flights_2014.php*), but

because this data has not yet been fully vetted, it is not yet appropriate for use in estimating bowhead densities in the Beaufort Sea (SAE, 2015). Nevertheless, the daily reports do indicate unusual nearshore concentrations of (Beaufort Sea) bowheads in both late August and late September of 2014.

Beluga Whale: There is little information on summer use by beluga whales in the Beaufort Sea. Moore *et al.* (2000) reported that only nine beluga whales were recorded in waters less than 50 m deep during 11,985 km of transect survey effort, or about 0.00057 whales per km. Assuming an ESW of 0.614, the derived corrected density would be 0.00046 whales per square mile. The same data did show much higher beluga numbers in deeper waters.

During the summer aerial surveys conducted during the 2012 and 2013 ASAMM program (Clarke *et al.* 2013, 2014), six beluga whales were observed along 2,497 km of transect in waters less than 20 m deep and between longitudes 140 °W and 154 °W (the area within which the seismic survey would fall). This equates to 0.0024 whales per km of trackline and an uncorrected density of 0.0020 assuming an ESW of 0.614.

Calculated fall beluga densities are approximately twice as high as summer. Between 2006 and 2013, 2,356 beluga were recorded along 83,631 km of transect line flown during September and October, or 0.0281 beluga per km of transect. Assuming an ESW of 0.614 gives an uncorrected density of 0.0229. However, unlike in summer, almost none of the fall migrating belugas were recorded in waters less than 20 m deep. For years where depth data is available (2006, 2009–2013), only 11 of 1,605 (1%) recorded belugas were found in waters less than 20 m during the fall. To take into account this bias in distribution, but to remain conservative, the corrected density estimate is reduced to 25%, or 0.0057.

Summer and fall beluga data was also collected in 2014, but as with the bowhead data mentioned above, it has not yet been checked for accuracy and, therefore, is not yet appropriate for estimating density (SAE, 2015). Regardless, the data that is available from online daily reports (*http://www.afsc.noaa.gov/NMML/cetacean/bwasp/flights_2014.php*) indicates that a number of belugas were observed near shore in 2014, especially during the summer.

Spotted Seal: Surveys for ringed seals have been recently conducted in the Beaufort Sea by Kingsley (1986), Frost *et al.* (2002), Moulton and Lawson (2002), Green and Negri (2005), and Green *et al.* (2006, 2007). The shipboard monitoring surveys by Green and Negri (2005) and Green *et al.* (2006, 2007) were not systematically based, but are useful in estimating the general composition of pinnipeds in the Beaufort nearshore, including the Colville River Delta. Frost *et al.*'s aerial surveys were conducted during ice coverage and do not fully represent the summer and fall conditions under which the Beaufort surveys will occur. Moulton and Lawson (2002) conducted summer shipboard-based surveys for pinnipeds along the nearshore Beaufort Sea coast and developed seasonal average and maximum densities representative of SAE's Beaufort summer seismic project, while the Kingsley (1986) conducted surveys along the ice margin representing fall conditions.

Green and Negri (2005) and Green *et al.* (2006, 2007) recorded pinnipeds during barging activity between West Dock and Cape Simpson, and found high numbers of ringed seal in Harrison Bay, and peaks in spotted seal numbers off the Colville River Delta where haulout sites are located. Approximately 5% of all phocid sightings recorded by Green and Negri (2005) and Green *et al.* (2006, 2007) were spotted seals, which provide a estimate of the proportion of ringed seals versus spotted seals in the Colville River Delta and Harrison Bay. Thus, the estimated densities of spotted seals in the seismic survey area were derived by multiplying the ringed seal densities from Moulton and Lawson (2002) and Kingsley (1986) by 0.05. However, monitoring conducted by Lomac-MacNair *et al.* (2014a) of SAE's 2014 seismic program near the Colville River Delta showed higher than expected spotted seal use of the potential seismic survey area, probably due to repeated sightings of local spotted seals closer to the Delta haul out sites. This information was used to adjust the take requests.

Bearded Seal: Bearded seals were also recorded in Harrison Bay and the Colville River Delta by Green and Negri (2005) and Green *et al.* (2006, 2007), but at lower proportions to ringed seals than spotted seals. However, estimating bearded seal densities based on the proportion of bearded seals observed during the barge-based surveys results in densities estimates that appear unrealistically low given density estimates from other studies, especially given that nearby Thetis Island is used as a base for annually hunting this seal (densities are seasonally high enough for focused hunting). For conservative purposes, the bearded seal density values used in this application are derived from Stirling *et al.*'s (1982) observations that the proportion of eastern Beaufort Sea bearded seals is 5% that of ringed seals, similar as was done for spotted seals.

Level B Exposure Calculations

The estimated potential harassment take of local marine mammals by the SAE's Beaufort seismic project was determined by multiplying the seasonal animal densities in Table 4 with the seasonal area that would be ensonified by seismic-generated noise greater than 160 dB re 1 μPa (rms). The total area that would be ensonified during 2015 is 1,463 km² (565 mi²). Assuming that half this area would be ensonified in summer and half in fall, the seasonal ZOI would be half 1,463 km², or 731.5 km² (282.5 mi²). The resulting exposure calculations are found in Table 5.

TABLE 5—THE ESTIMATED NUMBER OF MARINE MAMMALS POTENTIALLY EXPOSED TO RECEIVED SOUND LEVELS GREATER THAN 160 dB

Species	Seasonal ZOI (km²)	Summer density	Summer exposure	Fall density	Fall exposure	Total
Bowhead Whale	731.5	0.0049	4	0.0066	5	9
Beluga Whale	731.5	0.0020	1	0.0057	4	7
Ringed Seal	731.5	0.3547	259	0.2510	184	443
Spotted Seal	731.5	0.0177	13	0.0125	9	22
Bearded Seal	731.5	0.0177	13	0.0125	9	22

The requested take authorization is found in Table 6, and includes requested authorization for gray whales in which the estimated take is zero, but for which records for the Alaskan Beaufort Sea occur. The requested take authorization for ringed seals and spotted seals has also been adjusted based on observations during SAE's 2014 seismic operations immediately east of the Colville River Delta (Lomac-MacNair *et al.* 2014a). Lomac-MacNair *et al.* (2014a) only observed 5 confirmed sightings of ringed seals, none of which were observed during active seismic activity. But they also observed 40 spotted seals (4 during active seismic) and an additional 28 seals (also 4 during active seismic) that were either a ringed or spotted seal. Given only 88 km² (34 mi²) were shot in 2014, this would extrapolate to about 353 spotted seals potential observed and 35 spotted seals observed during seismic activity, during the planned 777 km² (300 mi²) of operation planned in 2015. If 80% of the ringed/spotted seal sightings were actually spotted seals, then an additional 200 spotted seals would be observed and an additional 28 observed during seismic activity. Given the nearshore location of the planned seismic activities and proximity to Colville River Delta spotted seal haulout sites, and likelihood that a number of seals that were exposed to seismic noise exceeding 160 dB were not observed, the requested take authorization for spotted seals has been increased to 500.

Level A Exposure Calculations

As discussed earlier in this section, NMFS considers that exposures to pinnipeds at noise levels above 190 dB and cetaceans at noise levels above 180 dB constitute Level A takes under the MMPA. Although brief exposure of marine mammals at these levels are not likely to cause TTS or PTS (Southall *et al.* 2007), this consideration is a precaution NMFS takes for its effect analysis.

The methods used in estimate Level A exposure is the same for Level B estimates, *i.e.,* multiplying the total amount of area that could be seasonally ensonified by noise levels exceeding 190 and 180 dB by density of each species. Because the radii to both the 190 dB (250 m) and 180 dB (910 m) are essentially equal to or larger than the mid-point (250 m) between the seismic source lines, the entire 777-km² seismic maximum source area would be ensonified, plus protective buffers of 250 m and 910 m around the source area. Thus, the 190 dB ZOI relative to pinnipeds would be 805 km², or 402.5 km² for each the summer and fall season, while the 180 dB ZOI would be 883 km², or 441.5 km² each season. Multiplying these values by the animal densities provides the Level A exposure estimates shown in Table 6.

TABLE 6—THE ESTIMATED LEVEL A AND LEVEL B HARASSMENTS AND REQUESTED TAKE OF MARINE MAMMALS

Species	Stock abundance	Estimated level B exposures	Level B take requested	Estimated level A exposure	Percent of take by stock
Bowhead whale	19,534	9	15	5	0.10
Beluga whale (Beaufort Sea stock)	39,258	7	15	4	0.05
Beluga whale (E. Chukchi Sea stock)	3,710	7	15	4	0.51
Gray whale	19,126	0	2	0	0.00
Ringed seal	300,000	443	500	246	0.25
Spotted seal	141,479	22	500	12	0.36
Bearded seal	155,000	22	25	12	0.02

The estimated Level A and Level B takes as a percentage of the marine mammal stock are 0.11% and 0.40% or less, respectively, in all cases (Table 6). The highest percent of population estimated to be taken is 0.11% for Level A and 0.40% for Level B harassments for the East Chukchi Sea stock of beluga whale. However, that percentage assumes that all beluga whales taken are from that population. Similarly, the 0.01% potential Level A and 0.04% Level B take percentage for the Beaufort Sea stock of beluga whale assumes that all 15 beluga whales are taken from the Beaufort Sea stock. Most likely, some beluga whales would be taken from each stock, meaning fewer than 15 beluga whales would be taken from either individual stock. Therefore, the Level A take of beluga whales as a percentage of populations would likely be below 0.11 and 0.01% for the Beaufort Sea and East Chukchi Sea stocks, respectively. The Level B takes of beluga whales as a percentage of populations would likely be below 0.40 and 0.04% for the Beaufort Sea and East Chukchi Sea stocks, respectively. However, the estimated numbers of Level A harassment do not take into consideration either avoidance or mitigation effectiveness. The actual takes are expected to be lower as animals will avoid areas where noise is intense. In addition, the prescribed mitigation measure will further reduce the number of animals being exposed to noise levels that constitute a Level A, thus further reducing Level A harassment.

The total takes represent less than 0.51% of any stocks of marine mammals in the vicinity of the action area (Table 6).

Analysis and Preliminary Determinations

Negligible Impact

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

No serious injuries or mortalities are anticipated to occur as a result of SAE's proposed 3D seismic survey, and none are proposed to be authorized. The takes that are anticipated and authorized are expected to be limited to short-term Level B behavioral harassment, and limited Level A harassment in terms of potential hearing threshold shifts. While the airguns are expected to be operated

for approximately 49 days within a 70-day period, the project timeframe will occur when cetacean species are typically not found in the project area or are found only in low numbers. While pinnipeds are likely to be found in the proposed project area more frequently, their distribution is dispersed enough that they likely will not be in the Level A or Level B harassment zone continuously. As mentioned previously in this document, pinnipeds appear to be more tolerant of anthropogenic sound than mysticetes.

Most of the bowhead whales encountered will likely show overt disturbance (avoidance) only if they receive airgun sounds with levels ≥ 160 dB re 1 μPa. Odontocete reactions to seismic airgun pulses are generally assumed to be limited to shorter distances from the airgun than are those of mysticetes, in part because odontocete low-frequency hearing is assumed to be less sensitive than that of mysticetes. However, at least when in the Canadian Beaufort Sea in summer, belugas appear to be fairly responsive to seismic energy, with few being sighted within 6–12 mi (10–20 km) of seismic vessels during aerial surveys (Miller *et al.* 2005). Belugas will likely occur in small numbers in the Beaufort Sea during the survey period and few will likely be affected by the survey activity.

As noted, elevated background noise level from the seismic airgun reverberant field could cause acoustic masking to marine mammals and reduce their communication space. However, even though the decay of the signal is extended, the fact that pulses are separated by approximately 8 to 10 seconds for each individual source vessel (or 4 to 5 seconds when taking into account the two separate source vessels stationed 300 to 335 m apart) means that overall received levels at distance are expected to be much lower, thus resulting in less acoustic masking.

Most cetaceans (and particularly Arctic cetaceans) show relatively high levels of avoidance when received sound pulse levels exceed 160 dB re 1 μPa (rms), and it is uncommon to sight Arctic cetaceans within the 180 dB radius, especially for prolonged duration. Results from monitoring programs associated with seismic activities in the Arctic indicate that cetaceans respond in different ways to sound levels lower than 180 dB. These results have been used by agencies to support monitoring requirements within distances where received levels fall below 160 dB and even 120 dB. Thus, very few animals would be exposed to sound levels of 180 dB re 1 μPa (rms) regardless of detectability by PSOs. Avoidance varies among individuals and depends on their activities or reasons for being in the area, and occasionally a few individual Arctic cetaceans will tolerate sound levels above 160 dB. Tolerance of levels above 180 dB is infrequent regardless of the circumstances, and marine mammals exposed to levels this high are expected to avoid the source, thereby minimizing the probability of TTS. Therefore, a calculation of the number of cetaceans potentially exposed to >180 dB that is based simply on density would be a gross overestimate of the numbers expected to be exposed to 180 dB. Such calculations would be misleading unless avoidance response behaviors were taken into account to estimate what fraction of those originally present within the soon-to-be ensonified to >180 dB zone (as estimated from density) would still be there by the time levels reach 180 dB.

It is estimated that up to 5 bowhead whales and 4 beluga whales could be exposed to received noise levels above 180 dB re 1 μPa (rms), and 246 ringed seals and 12 bearded and spotted seals could be exposed to received noise levels above 190 dB re 1 μPa (rms) for durations long enough to cause TTS if the animals do not avoid are area for some reason and are not detected in time to have mitigation measures implemented (or even PTS if such exposures occurred repeatedly). None of the other species are expected to be exposed to received sound levels anticipated to cause TTS or PTS. However, the actual Level A takes are likely to be lower due to animals avoiding the injury zone and the mitigation implementation. The Level A takes estimated do not take into consideration either avoidance or mitigation effectiveness.

Marine mammals that are taken by TTS are expected to receive minor (in the order of several dBs) and brief (minutes to hours) temporary hearing impairment because (1) animals are not likely to remain for prolonged periods within high intensity sound fields, and (2) both the seismic vessel and the animals are constantly moving, and it is unlikely that the animal will be moving along with the vessel during the survey. Although repeated experience to TTS could result in PTS (Level A harassment), for the same reasons discussed above, even if marine mammals experience PTS, the degree of PTS is expected to be mild, resulting in a few dB elevation of hearing threshold. Therefore, even if a few marine mammals receive TTS or PTS, the degree of these effects are expected to be minor and, in the case of TTS, brief, and are not expected to be biologically significant for the population or species.

Taking into account the mitigation measures that are planned, effects on marine mammals are generally expected to be restricted to avoidance of a limited area around SAE's proposed open-water activities and short-term changes in behavior, falling within the MMPA definition of ''Level A and Level B harassments.'' The many reported cases of apparent tolerance by cetaceans to seismic exploration, vessel traffic, and some other human activities show that co-existence is possible. Mitigation measures, such as controlled vessel speed, dedicated marine mammal observers, non-pursuit, ramp up procedures, and shut downs or power downs when marine mammals are seen within defined ranges, will further reduce short-term reactions and minimize any effects on hearing sensitivity. In all cases, the effects are expected to be short-term, with no lasting biological consequence.

Of the marine mammal species or stocks likely to occur in the proposed seismic survey area, two are listed under the ESA: The bowhead whale and ringed seal. Those two species are also designated as ''depleted'' under the MMPA. Despite these designations, the Bering-Chukchi-Beaufort stock of bowheads has been increasing at a rate of 3.4% annually for nearly a decade (Allen and Angliss, 2011), even in the face of ongoing industrial activity. Additionally, during the 2001 census, 121 calves were counted, which was the highest yet recorded. The calf count provides corroborating evidence for a healthy and increasing population (Allen and Angliss, 2011). Certain stocks or populations of gray and beluga whales and spotted seals are listed as endangered or are proposed for listing under the ESA; however, none of those stocks or populations occur in the proposed activity area. Ringed seals were recently listed under the ESA as threatened species, and are considered depleted under the MMPA. On July 25, 2014, the U.S. District Court for the District of Alaska vacated NMFS' rule listing the Beringia bearded seal DPS as threatened and remanded the rule to NMFS to correct the deficiencies identified in the opinion. None of the other species that may occur in the project area is listed as threatened or endangered under the ESA or designated as depleted under the MMPA. There is currently no established critical habitat in the proposed project area for any of these species.

Potential impacts to marine mammal habitat were discussed previously in

this document (see the ''*Anticipated Effects on Habitat*'' section). Although some disturbance of food sources of marine mammals is possible, any impacts are anticipated to be minor enough as to not affect rates of recruitment or survival of marine mammals in the area. The marine survey activities would occur in a localized area, and given the vast area of the Arctic Ocean where feeding by marine mammals occurs, any missed feeding opportunities in the direct project area could be offset by feeding opportunities in other available feeding areas.

In addition, no important feeding or reproductive areas are known in the vicinity of SAE's proposed seismic surveys at the time the proposed surveys are to take place. No critical habitat of ESA-listed marine mammal species occurs in the Beaufort Sea.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from SAE's proposed 3D seismic survey in the Beaufort Sea, Alaska, will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The requested takes proposed to be authorized represent less than 0.4% for Level B harassment and 0.11% for Level A harassment of all populations or stocks potentially impacted (see Table 6 in this document). These take estimates represent the percentage of each species or stock that could be taken by Level B behavioral harassment if each animal is taken only once. The numbers of marine mammals estimated to be taken are small proportions of the total populations of the affected species or stocks. In addition, the mitigation and monitoring measures (described previously in this document) proposed for inclusion in the IHA (if issued) are expected to reduce even further any potential disturbance and injuries to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Relevant Subsistence Uses

The proposed seismic activities will occur within the marine subsistence area used by the village of Nuiqsut. Nuiqsut was established in 1973 at a traditional location on the Colville River providing equal access to upland (*e.g.,* caribou, Dall sheep) and marine (*e.g.,* whales, seals, and eiders) resources (Brown 1979). Although Nuiqsut is located 40 km (25 mi) inland, bowhead whales are still a major fall subsistence resource. Although bowhead whales have been harvested in the past all along the barrier islands, Cross Island is the site currently used as the fall whaling base, as it includes cabins and equipment for butchering whales. However, whalers must travel about 160 km (100 mi) to annually reach the Cross Island whaling camp, which is located in a direct line over 110 direct km (70 mi) from Nuiqsut. Whaling activity usually begins in late August with the arrival whales migrating from the Canadian Beaufort Sea, and may occur as late as early October, depending on ice conditions and quota fulfillment. Most whaling occurs relatively near (<16 km or <10 mi) the island, largely to prevent meat spoilage that can occur with a longer tow back to Cross Island. Since 1993, Cross Island hunters have harvested one to four whales annually, averaging three.

Cross Island is located 70 km (44 mi) east of the eastern boundary of the seismic survey box. (Point Barrow is over 180 km [110 mi] outside the potential survey box.) Seismic activities are unlikely to affect Barrow or Cross Island based whaling, especially if the seismic operations temporarily cease during the fall bowhead whale hunt.

Although Nuiqsut whalers may incidentally harvest beluga whales while hunting bowheads, these whales are rarely seen and are not actively pursued. Any harvest that would occur would most likely be in association with Cross Island.

The potential seismic survey area is also used by Nuiqsut villagers for hunting seals. All three seal species that are likely to be taken—ringed, spotted, and bearded—are hunted. Sealing begins in April and May when villagers hunt seals at breathing holes in Harrison Bay. In early June, hunting is concentrated at the mouth of the Colville River, where ice breakup flooding results in the ice thinning and seals becoming more visible.

Once the ice is clear of the Delta (late June), hunters will hunt in open boats along the ice edge from Harrison Bay to Thetis Island in a route called ''round the world.'' Thetis Island is important as it provides a weather refuge and a base for hunting bearded seals. During July and August, ringed and spotted seals are hunted in the lower 65 km (40 mi) of the Colville River proper.

In terms of pounds, approximately one-third of the village of Nuiqsut's annual subsistence harvest is marine mammals (fish and caribou dominate the rest), of which bowhead whales contribute by far the most (Fuller and George 1999). Seals contribute only 2 to 3% of annual subsistence harvest (Brower and Opie 1997, Brower and Hepa 1998, Fuller and George 1999). Fuller and George (1999) estimated that 46 seals were harvested in 1992. The more common ringed seals appear to dominate the harvest, although the larger and thicker-skinned bearded seals are probably preferred. Spotted seals occur in the Colville River Delta in small numbers, which is reflected in the harvest.

Available harvest records suggest that most seal harvest occurs in the months preceding the proposed August start of the seismic survey, when waning ice conditions provide the best opportunity to approach and kill hauled out seals. Much of the late summer seal harvest occurs in the Colville River as the seals follow fish runs upstream. Still, open-water seal hunting could occur coincident with the seismic surveys, especially bearded seal hunts based from Thetis Island. In general, however, given the relatively low contribution of seals to the Nuiqsut subsistence, and the greater opportunity to hunt seals earlier in the season, any potential impact by the seismic survey on seal hunting is likely remote.

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Noise and general activity during SAE's proposed 3D OBN seismic survey have the potential to impact marine mammals hunted by Native Alaskans. In the case of cetaceans, the most common

reaction to anthropogenic sounds (as noted previously) is avoidance of the ensonified area. In the case of bowhead whales, this often means that the animals divert from their normal migratory path by several kilometers. Additionally, general vessel presence in the vicinity of traditional hunting areas could negatively impact a hunt. Native knowledge indicates that bowhead whales become increasingly ''skittish'' in the presence of seismic noise. Whales are more wary around the hunters and tend to expose a much smaller portion of their back when surfacing, which makes harvesting more difficult. Additionally, natives report that bowheads exhibit angry behaviors, such as tail-slapping, in the presence of seismic activity, which translate to danger for nearby subsistence harvesters.

Responses of seals to seismic airguns are expected to be negligible. Bain and Williams (2006) studied the responses of harbor seals, California sea lions, and Steller sea lions to seismic airguns and found that seals at exposure levels above 170 dB re 1 μPa (peak-peak) often showed avoidance behavior, including generally staying at the surface and keeping their heads out of the water, but that the responses were not overt, and there were no detectable responses at low exposure levels.

Plan of Cooperation or Measures to Minimize Impacts to Subsistence Hunts

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes.

SAE has prepared a draft POC, which was developed by identifying and evaluating any potential effects the proposed seismic survey might have on seasonal abundance that is relied upon for subsistence use. For the proposed project, SAE states that it is working closely with the North Slope Borough (NSB) and its partner Kuukpik Corporation, to identify subsistence communities and activities that may take place within or near the project area. The draft POC is attached to SAE's IHA application.

As a joint venture partner with Kuukpik, SAE will be working closely with them and the communities on the North Slope to plan operations that will include measures that are environmentally suitable and that do not impact local subsistence use. A Conflict Avoidance Agreement (CAA) will be developed that will include such measures.

SAE adopted a three-stage process to develop its POC:

Stage 1: To open communications SAE has presented the program description to the AEWC during their quarterly meeting in December, 2014. SAE will also be presenting the project at the open water meeting in March 2015 in Anchorage. Collaboration meetings will be held in March and April 2015 with Kuukpik Corporation leaders. Kuukpik Corporation is a joint venture partner in the project. Permits to all federal, state and local government agencies will be submitted in the spring of 2015. Ongoing discussions and meeting with these agencies have been occurring in order to meet our operational window in the project area.

Prior to offshore activities, SAE will meet and consult with nearby communities, namely the North Slope Borough (NSB) planning department and the NSB Fish and Wildlife division. SAE will also present its project during a community meeting in the villages of Nuiqsut, and Kaktovik to discuss the planned activities. The discussions will include the project description, the Plan of Cooperation, resolution of potential conflicts, and proposed operational window. These meetings will help to identify any subsistence conflicts. These meetings will allow SAE to understand community concerns, and requests for communication or mitigation. Additional communications will continue throughout the project.

Stage 2: SAE will document results of all meetings and incorporate to mitigate concerns into the POC. There shall be a review of permit stipulations and a permit matrix developed for the crews. The means of communications and contacts list will be developed and implemented into operations. The use of scientific and Inupiat PSOs/Communicators on board the vessels will ensure that appropriate precautions are taken to avoid harassment of marine mammals, including whales, seals, walruses, or polar bears. SAE will coordinate the timing and location of operations with the Com-Centers in Deadhorse and Kaktovik to minimize impact to the subsistence activities or the Nuiqsut/Kaktovik bowhead whale hunt.

Stage 3: If a conflict does occur with project activities and subsistence hunting, the SAs will immediately contact the project manager and the Com Center. If avoidance is not possible, the project manager will initiate communication with a representative from the impacted subsistence hunter group(s) to resolve the issue and to plan an alternative course of action (which may include ceasing operations during the whale hunt).

In addition, the following mitigation measures will be imposed in order to effect the least practicable adverse impact on the availability of marine mammal species for subsistence uses:

(i) Establishment and operations of Communication and Call Centers (Com-Center) Program

- For the purposes of reducing or eliminating conflicts between subsistence whaling activities and SAE's survey program, SAE will participate with other operators in the Com-Center Program. Com-Centers will be operated to facilitate communication of information between SAE and subsistence whalers. The Com-Centers will be operated 24 hours/day during the 2015 fall subsistence bowhead whale hunt.
- All vessels shall report to the appropriate Com-Center at least once every six hours, commencing each day with a call at approximately 06:00 hours.
- The appropriate Com-Center shall be notified if there is any significant change in plans, such as an unannounced start-up of operations or significant deviations from announced course, and that Com-Center shall notify all whalers of such changes. The appropriate Com-Center also shall be called regarding any unsafe or unanticipated ice conditions.

(ii) SAE shall monitor the positions of all of its vessels and exercise due care in avoiding any areas where subsistence activity is active.

(iii) Routing barge and transit vessels:

- Vessels transiting in the Beaufort Sea east of Bullen Point to the Canadian border shall remain at least 5 miles offshore during transit along the coast, provided ice and sea conditions allow. During transit in the Chukchi Sea, vessels shall remain as far offshore as weather and ice conditions allow, and at all times at least 5 miles offshore.
- From August 31 to October 31, vessels in the Chukchi Sea or Beaufort Sea shall remain at least 20 miles offshore of the coast of Alaska from Icy Cape in the Chukchi Sea to Pitt Point on the east side of Smith Bay in the Beaufort Sea, unless ice conditions or an emergency that threatens the safety of the vessel or crew prevents compliance with this requirement. This condition shall not apply to vessels actively engaged in transit to or from a coastal community to conduct crew changes or logistical support operations.
- Vessels shall be operated at speeds necessary to ensure no physical contact

with whales occurs, and to make any other potential conflicts with bowheads or whalers unlikely. Vessel speeds shall be less than 10 knots in the proximity of feeding whales or whale aggregations.

- If any vessel inadvertently approaches within 1.6 kilometers (1 mile) of observed bowhead whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the bowhead whales by taking one or more of the following actions, as appropriate:
  - reducing vessel speed to less than 5 knots within 900 feet of the whale(s);
  - steering around the whale(s) if possible;
  - operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;
  - operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and
  - checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.

(iv) Limitation on seismic surveys in the Beaufort Sea

- Kaktovik: No seismic survey from the Canadian Border to the Canning River from around August 25 to close of the fall bowhead whale hunt in Kaktovik and Nuiqsut, based on the actual hunt dates. From around August 10 to August 25, based on the actual hunt dates, SAE will communicate and collaborate with the Alaska Eskimo Whaling Commission (AEWC) on any planned vessel movement in and around Kaktovik and Cross Island to avoid impacts to whale hunting.
- Nuiqsut:
  - Pt. Storkerson to Thetis Island: No seismic survey prior to July 25 inside the Barrier Islands. No seismic survey from around August 25 to close of fall bowhead whale hunting outside the Barrier Island in Nuiqsut, based on the actual hunt dates.
  - Canning River to Pt. Storkerson: No seismic survey from around August 25 to the close of bowhead whale subsistence hunting in Nuiqsut, based on the actual hunt dates.
- Barrow: No seismic survey from Pitt Point on the east side of Smith Bay to a location about half way between Barrow and Peard Bay from September 15 to the close of the fall bowhead whale hunt in Barrow.

(v) SAE shall complete operations in time to allow such vessels to complete transit through the Bering Strait to a point south of 59 degrees North latitude no later than November 15, 2015. Any vessel that encounters weather or ice that will prevent compliance with this date shall coordinate its transit through the Bering Strait to a point south of 59 degrees North latitude with the appropriate Com-Centers. SAE vessels shall, weather and ice permitting, transit east of St. Lawrence Island and no closer than 10 miles from the shore of St. Lawrence Island.

Finally, SAE plans to sign a Conflict Avoidance Agreement (CAA) with the Alaska whaling communities to further ensure that its proposed open-water seismic survey activities in the Beaufort Sea will not have unmitigable impacts to subsistence activities.

Unmitigable Adverse Impact Analysis and Preliminary Determination

SAE has adopted a spatial and temporal strategy for its 3D OBN seismic survey that should minimize impacts to subsistence hunters and ensure the sufficient availability of species for hunters to meet subsistence needs. SAE will temporarily cease seismic activities during the fall bowhead whale hunt, which will allow the hunt to occur without any adverse impact from SAE's activities. Although some seal hunting co-occurs temporally with SAE's proposed seismic survey, the locations do not overlap, so SAE's activities will not impact the hunting areas and will not directly displace sealers or place physical barriers between the sealers and the seals. In addition, SAE is conducting the seismic surveys in a joint partnership agreement with Kuukpik Corporation, which allows SAE to work closely with the native communities on the North Slope to plan operations that include measures that are environmentally suitable and that do not impact local subsistence use, and to adjust the operations, if necessary, to minimize any potential impacts that might arise. Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from SAE's proposed activities.

Endangered Species Act (ESA)

Within the project area, the bowhead whale is listed as endangered and the ringed seal is listed as threatened under the ESA. NMFS' Permits and Conservation Division has initiated consultation with staff in NMFS' Alaska Region Protected Resources Division under section 7 of the ESA on the issuance of an IHA to SAE under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

NMFS is preparing an Environmental Assessment (EA), pursuant to NEPA, to determine whether the issuance of an IHA to SAE for its 3D seismic survey in the Beaufort Sea during the 2015 Arctic open-water season may have a significant impact on the human environment. NMFS has released a draft of the EA for public comment along with this proposed IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to SAE for conducting a 3D OBN seismic survey in Beaufort Sea during the 2015 Arctic open-water season, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

(1) This Authorization is valid from July 1, 2015, through October 15, 2015.

(2) This Authorization is valid only for activities associated with open-water 3D seismic surveys and related activities in the Beaufort Sea. The specific areas where SAE's surveys will be conducted are within the Beaufort Sea, Alaska, as shown in Figure 1–1 of SAE's IHA application.

(3)(a) The species authorized for incidental harassment takings, Level A and Level B harassment, are: beluga whales (*Delphinapterus leucas*); bowhead whales (*Balaena mysticetus*); gray whales (*Eschrichtius robustus*), bearded seals (*Erignathus barbatus*); spotted seals (*Phoca largha*); and ringed seals (*P. hispida*) (Table 6).

(3)(b) The authorization for taking by harassment is limited to the following acoustic sources and from the following activities:

(i) 620-in^3 and 1,240-in^3 airgun arrays and other acoustic sources for 3D open-water seismic surveys; and

(ii) Vessel activities related to open-water seismic surveys listed in (i).

(3)(c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the Alaska Regional Administrator (907–586–7221) or his designee in Anchorage

(907–271–3023), National Marine Fisheries Service (NMFS) and the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401, or her designee (301–427–8418).

(4) The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of collecting seismic data (unless constrained by the date of issuance of this Authorization in which case notification shall be made as soon as possible).

(5) Prohibitions

(a) The taking, by incidental harassment only, is limited to the species listed under condition 3(a) above and by the numbers listed in Table 6. The taking by serious injury or death of these species or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

(b) The taking of any marine mammal is prohibited whenever the required source vessel protected species observers (PSOs), required by condition 7(a)(i), are not onboard in conformance with condition 7(a)(i) of this Authorization.

(6) Mitigation

(a) Establishing Exclusion and Disturbance Zones

(i) Establish and monitor with trained PSOs exclusion zones surrounding the 10 in^3 and 620 in^3 airgun arrays on the source vessel where the received level would be 180 and 190 dB (rms) re 1 μPa for cetaceans and pinnipeds, respectively. The sizes of these zones are provided in Table 3.

(ii) Establish and monitor with trained PSOs preliminary exclusion zones surrounding the 1,240 in^3 airgun arrays on the source vessel where the received level would be 180 and 190 dB (rms) re 1 μPa for cetaceans and pinnipeds, respectively. For purposes of the field verification test, described in condition 7(e)(i), these zones are estimated to be 250 m and 910 m from the seismic source for 190 and 180 dB (rms) re 1 μPa, respectively.

(iii) Establish zones of influence (ZOIs) surrounding the 10 in^3 and 620 in^3 airgun arrays on the source vessel where the received level would be 160 (rms) re 1 μPa. The sizes of these zones are provided in Table 3.

(iv) Establish the ZOI surrounding the 1,240 in^3 airgun arrays on the source vessel where the received level would be 160 dB (rms) re 1 μPa for marine mammals. For purposes of the field verification test, described in condition 7(e)(i), the zone is estimated to be 5,200 m from the source.

(v) Immediately upon completion of data analysis of the field verification measurements required under condition 7(e)(i) below, the new 160-dB, 180-dB, and 190-dB marine mammal ZOI and exclusion zones for the 1,240 in^3 airgun array shall be established based on the sound source verification.

(b) Vessel Movement Mitigation:

(i) Avoid concentrations or groups of whales by all vessels under the direction of SAE. Operators of support vessels should, at all times, conduct their activities at the maximum distance possible from such concentrations or groups of whales.

(ii) If any vessel approaches within 1.6 km (1 mi) of observed bowhead whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the bowhead whales by taking one or more of the following actions, as appropriate:

(A) Reducing vessel speed to less than 5 knots within 300 yards (900 feet or 274 m) of the whale(s);

(B) Steering around the whale(s) if possible;

(C) Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;

(D) Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and

(E) Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.

(iii) When weather conditions require, such as when visibility drops, adjust vessel speed accordingly, but not to exceed 5 knots, to avoid the likelihood of injury to whales.

(c) Mitigation Measures for Airgun Operations

(i) Ramp-up:

(A) A ramp up, following a cold start, can be applied if the exclusion zone has been free of marine mammals for a consecutive 30-minute period. The entire exclusion zone must have been visible during these 30 minutes. If the entire exclusion zone is not visible, then ramp up from a cold start cannot begin.

(B) If a marine mammal(s) is sighted within the exclusion zone during the 30-minute watch prior to ramp up, ramp up will be delayed until the marine mammal(s) is sighted outside of the exclusion zone or the animal(s) is not sighted for at least 15 minutes for pinnipeds, or 30 minutes for cetaceans.

(C) If, for any reason, electrical power to the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures shall be implemented. If the PSO watch has been suspended during that time, a 30-minute clearance of the exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up.

(D) The seismic operator and PSOs shall maintain records of the times when ramp-ups start and when the airgun arrays reach full power.

(ii) Power-down/Shutdown:

(A) The airgun array shall be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full array, but is outside the applicable exclusion zone of the single mitigation airgun.

(B) If a marine mammal is already within or is about to enter the exclusion zone when first detected, the airguns shall be powered down immediately.

(C) Following a power-down, firing of the full airgun array shall not resume until the marine mammal has cleared the exclusion zone. The animal will be considered to have cleared the exclusion zone if it is visually observed to have left the exclusion zone of the full array, or has not been seen within the zone for 15 minutes for pinnipeds, or 30 minutes for cetaceans.

(D) If a marine mammal is sighted within or about to enter the 190 or 180 dB (rms) applicable exclusion zone of the single mitigation airgun, the airgun array shall be shutdown.

(E) Firing of the full airgun array or the mitigation gun shall not resume until the marine mammal has cleared the exclusion zone of the full array or mitigation gun, respectively. The animal will be considered to have cleared the exclusion zone as described above under ramp up procedures.

(iii) Poor Visibility Conditions:

(A) If during foggy conditions, heavy snow or rain, or darkness, the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down.

(B) If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

(iv) Use of a Small-volume Airgun During Turns and Transits

(A) Throughout the seismic survey, during turning movements and short transits, SAE will employ the use of the smallest-volume airgun (*i.e.,* ''mitigation airgun'') to deter marine mammals from being within the immediate area of the seismic operations. The mitigation airgun would be operated at approximately one shot per minute and would not be operated for longer than three hours in duration (turns may last two to three hours for the proposed project).

(B) During turns or brief transits (*i.e.,* less than three hours) between seismic tracklines, one mitigation airgun will continue operating. The ramp up procedures described above will be followed when increasing the source levels from the one mitigation airgun to the full airgun array. However, keeping one airgun firing during turns and brief transits allow SAE to resume seismic surveys using the full array without having to ramp up from a ''cold start,'' which requires a 30-minute observation period of the full exclusion zone and is prohibited during darkness or other periods of poor visibility. PSOs will be on duty whenever the airguns are firing during daylight and during the 30-minute periods prior to ramp-ups from a ''cold start.''

(d) Mitigation Measures for Subsistence Activities:

(i) For the purposes of reducing or eliminating conflicts between subsistence whaling activities and SAE's survey program, the holder of this Authorization will participate with other operators in the Communication and Call Centers (Com-Center) Program. Com-Centers will be operated to facilitate communication of information between SAE and subsistence whalers. The Com-Centers will be operated 24 hours/day during the 2015 fall subsistence bowhead whale hunt.

(ii) All vessels shall report to the appropriate Com-Center at least once every six hours, commencing each day with a call at approximately 06:00 hours.

(iii) The appropriate Com-Center shall be notified if there is any significant change in plans. The appropriate Com-Center also shall be called regarding any unsafe or unanticipated ice conditions.

(iv) Upon notification by a Com-Center operator of an at-sea emergency, the holder of this Authorization shall provide such assistance as necessary to prevent the loss of life, if conditions allow the holder of this Authorization to safely do so.

(v) SAE shall monitor the positions of all of its vessels and exercise due care in avoiding any areas where subsistence activity is active.

(vi) Routing barge and transit vessels:

(A) Vessels transiting in the Beaufort Sea east of Bullen Point to the Canadian border shall remain at least 5 miles offshore during transit along the coast, provided ice and sea conditions allow. During transit in the Chukchi Sea, vessels shall remain as far offshore as weather and ice conditions allow, and at all times at least 5 miles offshore.

(B) From August 31 to October 31, vessels in the Chukchi Sea or Beaufort Sea shall remain at least 20 miles offshore of the coast of Alaska from Icy Cape in the Chukchi Sea to Pitt Point on the east side of Smith Bay in the Beaufort Sea, unless ice conditions or an emergency that threatens the safety of the vessel or crew prevents compliance with this requirement. This condition shall not apply to vessels actively engaged in transit to or from a coastal community to conduct crew changes or logistical support operations.

(C) Vessels shall be operated at speeds necessary to ensure no physical contact with whales occurs, and to make any other potential conflicts with bowheads or whalers unlikely. Vessel speeds shall be less than 10 knots in the proximity of feeding whales or whale aggregations.

(D) If any vessel inadvertently approaches within 1.6 kilometers (1 mile) of observed bowhead whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the bowhead whales by taking one or more of the following actions, as appropriate:

- Reducing vessel speed to less than 5 knots within 900 feet of the whale(s);
- Steering around the whale(s) if possible;
- Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;
- Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and
- Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.

(vii) Limitation on seismic surveys in the Beaufort Sea

(A) Kaktovik: No seismic survey from the Canadian Border to the Canning River from August 25 to close of the fall bowhead whale hunt in Kaktovik and Nuiqsut. From around August 10 to August 25, based on the actual hunt date, SAE will communicate and collaborate with the Alaska Eskimo Whaling Commission (AEWC) on any planned vessel movement in and around Kaktovik and Cross Island to avoid impacts to whale hunting.

(B) Nuiqsut:

- Pt. Storkerson to Thetis Island: No seismic survey prior to July 25 inside the Barrier Islands. No seismic survey from around August 25 to close of fall bowhead whale hunting outside the Barrier Island in Nuiqsut, based on actual hunt dates.
- Canning River to Pt. Storkerson: No seismic survey from around August 25 to the close of bowhead whale subsistence hunting in Nuiqsut, based on actual hunt dates.

(C) Barrow: No seismic survey from Pitt Point on the east side of Smith Bay to a location about half way between Barrow and Peard Bay from September 15 to the close of the fall bowhead whale hunt in Barrow.

(viii) SAE shall complete operations in time to allow such vessels to complete transit through the Bering Strait to a point south of 59 degrees North latitude no later than November 15, 2015. Any vessel that encounters weather or ice that will prevent compliance with this date shall coordinate its transit through the Bering Strait to a point south of 59 degrees North latitude with the appropriate Com-Centers. SAE vessels shall, weather and ice permitting, transit east of St. Lawrence Island and no closer than 10 miles from the shore of St. Lawrence Island.

(7) Monitoring:

(a) Vessel-based Visual Monitoring:

(i) Vessel-based visual monitoring for marine mammals shall be conducted by NMFS-approved PSOs throughout the period of survey activities.

(ii) PSOs shall be stationed aboard the seismic survey vessels and mitigation vessel through the duration of the surveys.

(iii) A sufficient number of PSOs shall be onboard the survey vessel to meet the following criteria:

(A) 100% monitoring coverage during all periods of survey operations in daylight;

(B) maximum of 4 consecutive hours on watch per PSO; and

(C) maximum of 12 hours of watch time per day per PSO.

(iv) The vessel-based marine mammal monitoring shall provide the basis for real-time mitigation measures as described in (6)(c) above.

(v) Results of the vessel-based marine mammal monitoring shall be used to calculate the estimation of the number of ''takes'' from the marine surveys and equipment recovery and maintenance program.

(b) Protected Species Observers and Training

(i) PSO teams shall consist of Inupiat observers and NMFS-approved field biologists.

(ii) Experienced field crew leaders shall supervise the PSO teams in the field. New PSOs shall be paired with experienced observers to avoid situations where lack of experience impairs the quality of observations.

(iii) Crew leaders and most other biologists serving as observers in 2015 shall be individuals with experience as observers during recent seismic or shallow hazards monitoring projects in Alaska, the Canadian Beaufort, or other offshore areas in recent years.

(iv) Resumes for PSO candidates shall be provided to NMFS for review and acceptance of their qualifications. Inupiat observers shall be experienced in the region and familiar with the marine mammals of the area.

(v) All observers shall complete a NMFS-approved observer training course designed to familiarize individuals with monitoring and data collection procedures. The training course shall be completed before the anticipated start of the 2015 open-water season. The training session(s) shall be conducted by qualified marine mammalogists with extensive crew-leader experience during previous vessel-based monitoring programs.

(vi) Training for both Alaska native PSOs and biologist PSOs shall be conducted at the same time in the same room. There shall not be separate training courses for the different PSOs.

(vii) Crew members should not be used as primary PSOs because they have other duties and generally do not have the same level of expertise, experience, or training as PSOs, but they could be stationed on the fantail of the vessel to observe the near field, especially the area around the airgun array, and implement a power-down or shutdown if a marine mammal enters the safety zone (or exclusion zone).

(viii) If crew members are to be used as PSOs, they shall go through some basic training consistent with the functions they will be asked to perform. The best approach would be for crew members and PSOs to go through the same training together.

(ix) PSOs shall be trained using visual aids (*e.g.,* videos, photos), to help them identify the species that they are likely to encounter in the conditions under which the animals will likely be seen.

(x) SAE shall train its PSOs to follow a scanning schedule that consistently distributes scanning effort according to the purpose and need for observations. All PSOs should follow the same schedule to ensure consistency in their scanning efforts.

(xi) PSOs shall be trained in documenting the behaviors of marine mammals. PSOs should record the primary behavioral state (*i.e.,* traveling, socializing, feeding, resting, approaching or moving away from vessels) and relative location of the observed marine mammals.

(c) Marine Mammal Observation Protocol

(i) PSOs shall watch for marine mammals from the best available vantage point on the survey vessels, typically the bridge.

(ii) Observations by the PSOs on marine mammal presence and activity shall begin a minimum of 30 minutes prior to the estimated time that the seismic source is to be turned on and/or ramped-up. Monitoring shall continue during the airgun operations and last until 30 minutes after airgun array stops firing.

(iii) For comparison purposes, PSOs shall also document marine mammal occurrence, density, and behavior during at least some periods when airguns are not operating

(iv) PSOs shall scan systematically with the unaided eye and 7×50 reticle binoculars, supplemented with 20×60 image-stabilized binoculars or 25×150 binoculars, and night-vision equipment when needed.

(v) Personnel on the bridge shall assist the marine mammal observer(s) in watching for marine mammals.

(vi) PSOs aboard the marine survey vessel shall give particular attention to the areas within the marine mammal exclusion zones around the source vessel, as noted in (6)(a)(i) and (ii). They shall avoid the tendency to spend too much time evaluating animal behavior or entering data on forms, both of which detract from their primary purpose of monitoring the exclusion zone.

(vii) Monitoring shall consist of recording of the following information:

(A) The species, group size, age/size/sex categories (if determinable), the general behavioral activity, heading (if consistent), bearing and distance from seismic vessel, sighting cue, behavioral pace, and apparent reaction of all marine mammals seen near the seismic vessel and/or its airgun array (*e.g.,* none, avoidance, approach, paralleling, etc);

(B) The time, location, heading, speed, and activity of the vessel (shooting or not), along with sea state, visibility, cloud cover and sun glare at (I) any time a marine mammal is sighted (including pinnipeds hauled out on barrier islands), (II) at the start and end of each watch, and (III) during a watch (whenever there is a change in one or more variable);

(C) The identification of all vessels that are visible within 5 km of the seismic vessel whenever a marine mammal is sighted and the time observed;

(D) Any identifiable marine mammal behavioral response (sighting data should be collected in a manner that will not detract from the PSO's ability to detect marine mammals);

(E) Any adjustments made to operating procedures; and

(F) Visibility during observation periods so that total estimates of take can be corrected accordingly.

(vii) Distances to nearby marine mammals will be estimated with binoculars (7×50 binoculars) containing a reticle to measure the vertical angle of the line of sight to the animal relative to the horizon. Observers may use a laser rangefinder to test and improve their abilities for visually estimating distances to objects in the water.

(viii) PSOs shall understand the importance of classifying marine mammals as ''unknown'' or ''unidentified'' if they cannot identify the animals to species with confidence. In those cases, they shall note any information that might aid in the identification of the marine mammal sighted. For example, for an unidentified mysticete whale, the observers should record whether the animal had a dorsal fin.

(ix) Additional details about unidentified marine mammal sightings, such as ''blow only,'' mysticete with (or without) a dorsal fin, ''seal splash,'' etc., shall be recorded.

(x) When a marine mammal is seen approaching or within the exclusion zone applicable to that species, the marine survey crew shall be notified immediately so that mitigation measures described in (6) can be promptly implemented.

(xi) SAE shall use the best available technology to improve detection capability during periods of fog and other types of inclement weather. Such technology might include night-vision goggles or binoculars as well as other instruments that incorporate infrared technology.

(d) Field Data-Recording and Verification

(i) PSOs aboard the vessels shall maintain a digital log of seismic surveys, noting the date and time of all changes in seismic activity (ramp-up, power-down, changes in the active seismic source, shutdowns, etc.) and any corresponding changes in monitoring radii in a software spreadsheet.

(ii) PSOs shall utilize a standardized format to record all marine mammal observations and mitigation actions (seismic source power-downs, shut-downs, and ramp-ups).

(iii) Information collected during marine mammal observations shall include the following:

(A) Vessel speed, position, and activity

(B) Date, time, and location of each marine mammal sighting

(C) Number of marine mammals observed, and group size, sex, and age categories

(D) Observer's name and contact information

(E) Weather, visibility, and ice conditions at the time of observation

(F) Estimated distance of marine mammals at closest approach

(G) Activity at the time of observation, including possible attractants present

(H) Animal behavior

(I) Description of the encounter

(J) Duration of encounter

(K) Mitigation action taken

(iv) Data shall be recorded directly into handheld computers or as a back-up, transferred from hard-copy data sheets into an electronic database.

(v) A system for quality control and verification of data shall be facilitated by the pre-season training, supervision by the lead PSOs, and in-season data checks, and shall be built into the software.

(vi) Computerized data validity checks shall also be conducted, and the data shall be managed in such a way that it is easily summarized during and after the field program and transferred into statistical, graphical, or other programs for further processing.

(e) Passive Acoustic Monitoring

(i) Sound Source Measurements: Using a hydrophone system, the holder of this Authorization is required to conduct sound source verification tests for the 1,240 in^3 seismic airgun array, if this array is involved in the open-water seismic surveys.

(A) Sound source verification shall consist of distances where broadside and endfire directions at which broadband received levels reach 190, 180, 170, 160, and 120 dB (rms) re 1 μPa for the airgun array(s).

(B) The test results shall be reported to NMFS within 5 days of completing the test.

(ii) SAE shall conduct passive acoustic monitoring using fixed hydrophone(s) to

(A) Collect information on the occurrence and distribution of marine mammals that may be available to subsistence hunters near villages located on the Beaufort Sea coast and to document their relative abundance, habitat use, and migratory patterns; and

(B) Measure the ambient soundscape throughout the Beaufort Sea coast and to record received levels of sounds from industry and other activities

(g) SAE shall engage in consultation and coordination with other oil and gas companies and with federal, state, and borough agencies to ensure that they have the most up-to-date information and can take advantage of other monitoring efforts.

(8) Data Analysis and Presentation in Reports:

(a) Estimation of potential takes or exposures shall be improved for times with low visibility (such as during fog or darkness) through interpolation or possibly using a probability approach. Those data could be used to interpolate possible takes during periods of restricted visibility.

(b) SAE shall provide a database of the information collected, plus a number of summary analyses and graphics to help NMFS assess the potential impacts of SAE's survey. Specific summaries/analyses/graphics would include:

(i) Sound verification results, including isopleths of sound pressure levels plotted geographically;

(ii) A table or other summary of survey activities (*i.e.,* did the survey proceed as planned);

(iii) A table of sightings by time, location, species, and distance from the survey vessel;

(iv) A geographic depiction of sightings for each species by area and month;

(v) A table and/or graphic summarizing behaviors observed by species;

(vi) A table and/or graphic summarizing observed responses to the survey by species;

(vii) A table of mitigation measures (*e.g.,* power-downs, shutdowns) taken by date, location, and species;

(viii) A graphic of sightings by distance for each species and location;

(ix) A table or graphic illustrating sightings during the survey versus sightings when the airguns were silent; and

(x) A summary of times when the survey was interrupted because of interactions with marine mammals.

(c) To help evaluate the effectiveness of PSOs and more effectively estimate take, if appropriate data are available, SAE shall perform analysis of sightability curves (detection functions) for distance-based analyses.

(d) SAE shall collaborate with other industrial operators in the area to integrate and synthesize monitoring results as much as possible (such as submitting ''sightings'' from their monitoring projects to an online data archive, such as OBIS–SEAMAP) and archive and make the complete databases available upon request.

(9) Reporting:

(a) Sound Source Verification Report: A report on the preliminary results of the sound source verification measurements, including the measured 190, 180, 160, and 120 dB (rms) radii of the 1,240 in^3 airgun array, shall be submitted within 14 days after collection of those measurements at the start of the field season. This report will specify the distances of the exclusion zones that were adopted for the survey.

(b) Throughout the survey program, PSOs shall prepare a report each day, or at such other interval as is necessary, summarizing the recent results of the monitoring program. The reports shall summarize the species and numbers of marine mammals sighted. These reports shall be provided to NMFS.

(c) Weekly Reports: SAE will submit weekly reports to NMFS no later than the close of business (Alaska Time) each Thursday during the weeks when seismic surveys take place. The field reports will summarize species detected, in-water activity occurring at the time of the sighting, behavioral reactions to in-water activities, and the number of marine mammals exposed to harassment level noise.

(d) Monthly Reports: SAE will submit monthly reports to NMFS for all months during which seismic surveys take place. The monthly reports will contain and summarize the following information:

(i) Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort Sea state and wind force), and associated activities during the seismic survey and marine mammal sightings.

(ii) Species, number, location, distance from the vessel, and behavior of any sighted marine mammals, as well as associated surveys (number of shutdowns), observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of:

(A) Pinnipeds that have been exposed to the seismic surveys (based on visual observation) at received levels greater than or equal to 160 dB re 1 μPa (rms) and/or 190 dB re 1 μPa (rms) with a discussion of any specific behaviors those individuals exhibited; and

(B) Cetaceans that have been exposed to the geophysical activity (based on visual observation) at received levels greater than or equal to 160 dB re 1 μPa (rms) and/or 180 dB re 1 μPa (rms) with

a discussion of any specific behaviors those individuals exhibited.

(e) Seismic Vessel Monitoring Program: A draft report will be submitted to the Director, Office of Protected Resources, NMFS, within 90 days after the end of SAE's 2015 open-water seismic surveys in the Beaufort Sea. The report will describe in detail:

(i) Summaries of monitoring effort (*e.g.,* total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

(ii) Summaries that represent an initial level of interpretation of the efficacy, measurements, and observations, rather than raw data, fully processed analyses, or a summary of operations and important observations;

(iii) Summaries of all mitigation measures (*e.g.,* operational shutdowns if they occur) and an assessment of the efficacy of the monitoring methods;

(iv) Analyses of the effects of various factors influencing detectability of marine mammals (*e.g.,* sea state, number of observers, and fog/glare);

(v) Species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), group sizes, and ice cover;

(vi) Data analysis separated into periods when an airgun array (or a single airgun) is operating and when it is not, to better assess impacts to marine mammals;

(vii) Sighting rates of marine mammals during periods with and without airgun activities (and other variables that could affect detectability), such as:

(A) Initial sighting distances versus airgun activity state;

(B) Closest point of approach versus airgun activity state;

(C) Observed behaviors and types of movements versus airgun activity state;

(D) Numbers of sightings/individuals seen versus airgun activity state;

(E) Distribution around the survey vessel versus airgun activity state; and

(F) Estimates of take by harassment;

(viii) Reported results from all hypothesis tests, including estimates of the associated statistical power, when practicable;

(ix) Estimates of uncertainty in all take estimates, with uncertainty expressed by the presentation of confidence limits, a minimum-maximum, posterior probability distribution, or another applicable method, with the exact approach to be selected based on the sampling method and data available;

(x) A clear comparison of authorized takes and the level of actual estimated takes; and

(xi) A complete characterization of the acoustic footprint resulting from various activity states.

(d) The draft report shall be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. The draft report will be considered the final report for this activity under this Authorization if NMFS has not provided comments and recommendations within 90 days of receipt of the draft report.

(10) (a) In the unanticipated event that survey operations clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an serious injury or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), SAE shall immediately cease survey operations and immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Shane.Guan@noaa.gov* and the Alaska Regional Stranding Coordinators (*Aleria.Jensen@noaa.gov* and *Barbara.Mahoney@noaa.gov*). The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) The name and type of vessel involved;

(iii) The vessel's speed during and leading up to the incident;

(iv) Description of the incident;

(v) Status of all sound source use in the 24 hours preceding the incident;

(vi) Water depth;

(vii) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(viii) Description of marine mammal observations in the 24 hours preceding the incident;

(ix) Species identification or description of the animal(s) involved;

(x) The fate of the animal(s); and

(xi) Photographs or video footage of the animal (if equipment is available).

(b) Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with SAE to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SAE may not resume their activities until notified by NMFS via letter, email, or telephone.

(c) In the event that SAE discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), SAE will immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Shane.Guan@noaa.gov* and the NMFS Alaska Stranding Hotline (1–877–925–7773) and/or by email to the Alaska Regional Stranding Coordinators (*Aleria.Jensen@noaa.gov* and *Barabara.Mahoney@noaa.gov*). The report must include the same information identified in Condition 10(a) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with SAE to determine whether modifications in the activities are appropriate.

(d) In the event that SAE discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in Condition 3 of this Authorization (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), SAE shall report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Shane.Guan@noaa.gov* and the NMFS Alaska Stranding Hotline (1–877–925–7773) and/or by email to the Alaska Regional Stranding Coordinators (*Aleria.Jensen@noaa.gov* and *Barbara.Mahoney@noaa.gov*), within 24 hours of the discovery. SAE shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. SAE can continue its operations under such a case.

(11) Activities related to the monitoring described in this Authorization do not require a separate scientific research permit issued under section 104 of the Marine Mammal Protection Act.

(12) The Plan of Cooperation outlining the steps that will be taken to cooperate and communicate with the native communities to ensure the availability of marine mammals for subsistence uses, must be implemented.

(13) This Authorization may be modified, suspended, or withdrawn if the holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or if there

is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

(14) A copy of this Authorization and the Incidental Take Statement must be in the possession of each seismic vessel operator taking marine mammals under the authority of this Incidental Harassment Authorization.

(15) SAE is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to NMFS' Biological Opinion.

Request for Public Comments

NMFS requests comment on our analysis, the draft authorization, and any other aspect of the Notice of Proposed IHA for SAE's proposed 3D seismic survey in the Beaufort Sea. Please include with your comments any supporting data or literature citations to help inform our final decision on SAE's request for an MMPA authorization.

Dated: April 8, 2015.

Wanda Cain,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–08481 Filed 4–13–15; 8:45 am]

BILLING CODE 3510–22–P

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 71 April 14, 2015

Part III

Department of Energy

10 CFR Parts 429, 430, and 431

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Test Procedures for Consumer and Commercial Water Heaters; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429, 430, and 431

[EERE–2015–BT–TP–0007]

RIN 1904–AC91

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Test Procedures for Consumer and Commercial Water Heaters

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: As required by the Energy Policy and Conservation Act of 1975 (EPCA), as amended, the U.S. Department of Energy (DOE) proposes to establish a mathematical conversion factor for the purpose of translating efficiency ratings for water heaters under the test method currently in effect to the ratings under the amended test method promulgated by DOE in a final rule published on July 11, 2014 (hereinafter referred to as the ''the July 2014 final rule''). Compliance with the amended test procedure is required beginning on the later of: one year after the publication of a final rule that establishes a mathematical conversion factor, or December 31, 2015. This rulemaking document proposes a mathematical conversion factor which may be used to convert the existing efficiency ratings under the current Federal test procedure to efficiency ratings under the test procedure adopted in the July 2014 final rule for water heater basic models manufactured, tested and certified prior to the compliance date of the amended test procedure. The amended test procedure applies to all covered consumer water heaters and the covered commercial water heating equipment with residential applications defined in the July 2014 final rule as a ''residential-duty commercial water heater.'' In addition, this document proposes amendments to the minimum energy conservation standards for consumer water heaters and residential-duty commercial water heaters to account for the impact of the new metric, but does not alter the stringency of the existing energy conservation standards. While DOE has not planned a public meeting to discuss this proposal, DOE is willing to consider a request to hold a meeting.

DATES: *Comments:* DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) no later than May 14, 2015. See section V, ''Public Participation,'' for details.

ADDRESSES: All comments submitted must identify the NOPR for the Conversion Factor for Test Procedures for Consumer and Certain Commercial Water Heaters, and provide docket number EERE–2015–BT–TP–0007 and/or RIN 1904–AC91. Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by any of the following methods:

- *Email: ConsumerCommWaterHtrs 2015TP0007@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.
- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., 6th Floor, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-TP-0007.* This Web page contains a link to the docket for this notice of proposed rulemaking on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section V, ''Public Participation,'' for information on how to submit comments through *www.regulations.gov.*

For information on how to submit a comment or review other public comments and the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *Ashley.Armstrong@ee.doe.gov.*

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I. Authority and Background

Title III Part B [1] of the Energy Policy and Conservation Act of 1975 (''EPCA'' or, ''the Act''), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles.[2] These include consumer water heaters, one subject of this document. (42 U.S.C. 6292(a)(4)) Title III, Part C [3] of EPCA, Public Law 94–163 (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, Sec. 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which includes the commercial water heating equipment that is another subject of this rulemaking. (42 U.S.C. 6311(1)(K))

Under EPCA, energy conservation programs generally consist of four parts: (1) Testing; (2) labeling; (3) establishing Federal energy conservation standards; and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products and equipment must use as the basis for certifying to DOE that their products and equipment comply with the applicable energy conservation standards adopted under EPCA, and for making other representations about the efficiency of those products. (42 U.S.C. 6293(c); 42 U.S.C. 6295(s); 42 U.S.C. 6314) Similarly, DOE must use these test procedures to determine whether such products and equipment comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

EPCA, as codified, contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

EPCA prescribed energy conservation standards for consumer water heaters (42 U.S.C. 6295(e)(1)), and directed DOE to conduct further rulemakings to determine whether to amend these standards (42 U.S.C. 6295(e)(4)(A)–(B)). DOE notes that under 42 U.S.C. 6295(m), the agency must periodically review its already established energy conservation standards for a covered product. Under this requirement, the next review that DOE would need to conduct must occur no later than six years from the issuance of a final rule establishing or amending a standard for a covered product.

On April 16, 2010, DOE published a final rule (hereinafter referred to as the ''April 2010 final rule'') that amended the energy conservation standards for all classes of consumer water heaters, except for tabletop and electric instantaneous water heaters, for which the existing energy conservation standards were left in place. 75 FR 20112. The standards adopted by the April 2010 final rule are shown below in Table I.1. These standards will apply to all water heater products listed in Table I.1 and manufactured in, or imported into, the United States on or after April 16, 2015, for all classes, except for tabletop and electric instantaneous. For these latter two classes, compliance with these standards has been required since April 15, 1991. 55 FR 42162 (Oct. 17, 1990). Current energy conservation standards for consumer water heaters can be found in DOE's regulations at 10 CFR 430.32(d).

TABLE I.1—ENERGY CONSERVATION STANDARDS FOR CONSUMER WATER HEATERS

Product class	Rated storage volume ***	Energy factor **
Gas-fired Storage	≥20 gal and ≤55 gal	$0.675 - (0.0015 \times V_s)$
	>55 gal and ≤100 gal	$0.8012 - (0.00078 \times V_s)$
Oil-fired Storage	≤50 gal	$0.68 - (0.0019 \times V_s)$
Electric Storage	≥20 gal and ≤55 gal	$0.96 - (0.0003 \times V_s)$
	>55 gal and ≤120 gal	$2.057 - (0.00113 \times V_s)$
Tabletop *	≥20 gal and ≤120 gal	$0.93 - (0.00113 \times V_s)$
Gas-fired Instantaneous	<2 gal	$0.82 - (0.0019 \times V_s)$
Electric Instantaneous *	<2 gal	$0.93 - (0.00132 \times V_s)$

*Tabletop and electric instantaneous standards were not updated by the April 2010 final rule.
** V_s is the ''Rated Storage Volume'' which equals the water storage capacity of a water heater (in gallons), as specified by the manufacturer.
*** Rated Storage Volume limitations result from either a lack of test procedure coverage or from divisions created by DOE when adopting standards. The division at 55 gallons for gas-fired and electric storage water heaters was established in the April 16, 2010 final rule amending energy conservation standards. 75 FR 20112. The other storage volume limitations shown in this table are a result of test procedure applicability, and are discussed in the July 2014 final rule. 79 FR 40542 (July 11, 2014).

The initial Federal energy conservation standards and test procedures for commercial water heating equipment were added to EPCA as an amendment made by the Energy Policy Act of 1992 (EPACT). (42 U.S.C. 6313(a)(5)) These initial energy conservation standards corresponded to the efficiency levels contained in the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1 (ASHRAE Standard 90.1) in effect on October 24, 1992. The statute provided that if the efficiency levels in ASHRAE Standard 90.1 were amended after October 24, 1992, the Secretary must establish an amended uniform national standard at new minimum levels for each equipment type specified in ASHRAE Standard 90.1, unless DOE determines, through a rulemaking supported by clear and convincing evidence, that national standards more

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

stringent than the new minimum levels would result in significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)(I)–(II)) DOE issued the most recent final rule for commercial water heating equipment on January 12, 2001 (hereinafter, the ''January 2001 final rule''), which adopted the amended energy conservation standards at levels equivalent to efficiency levels in ASHRAE Standard 90.1, as it was revised in October 1999. 66 FR 3336. The current standards for commercial water heating equipment are presented in Table I.2 and may be found in DOE's regulations at 10 CFR 431.110.

TABLE I.2—ENERGY CONSERVATION STANDARDS FOR COMMERCIAL WATER HEATING EQUIPMENT

Equipment	Size	Energy conservation standard *	
		Minimum thermal efficiency (%)	Maximum standby loss [c]
Electric storage water heaters	All	N/A	$0.30 + 27/V_m$ (%/hr)
Gas-fired storage water heaters	≤155,000 Btu/hr	80	$Q/800 + 110(V_r)$ [1, 2] (Btu/hr)
	>155,000 Btu/hr	80	$Q/800 + 110(V_r)$ [1, 2] (Btu/hr)
Oil-fired storage water heaters	≤155,000 Btu/hr	78	$Q/800 + 110(V_r)$ [1, 2] (Btu/hr)
	>155,000 Btu/hr	78	$Q/800 + 110(V_r)$ [1, 2] (Btu/hr)
Gas-fired instantaneous water heaters and hot water supply boilers **.	<10 gal	80	N/A
	≥10 gal	80	$Q/800 + 110(V_r)$ [1, 2] (Btu/hr)
Oil-fired instantaneous water heaters and hot water supply boilers **.	<10 gal	80	N/A
	≥10 gal	78	$Q/800 + 110(V_r)$ [1, 2] (Btu/hr)
Equipment	**Size**	**Minimum thermal insulation**	
Unfired hot water storage tank	All	R–12.5	

* V_m is the measured storage volume, and V_r is the rated volume, both in gallons. Q is the nameplate input rate in Btu/hr.

** For hot water supply boilers with a capacity of less than 10 gallons: (1) The standards are mandatory for products manufactured on and after October 21, 2005, and (2) products manufactured prior to that date, and on or after October 23, 2003, must meet either the standards listed in this table or the applicable standards in subpart E of this part for a ''commercial packaged boiler.''

*** Water heaters and hot water supply boilers having more than 140 gallons of storage capacity need not meet the standby loss requirement if: (1) The tank surface area is thermally insulated to R–12.5 or more; (2) a standing pilot light is not used; and (3) for gas or oil-fired storage water heaters, they have a fire damper or fan-assisted combustion.

On December 18, 2012, the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210, was signed into law. In relevant part, it amended EPCA to require that DOE publish a final rule establishing a uniform efficiency descriptor and accompanying test methods for covered consumer water heaters and commercial water heating equipment within one year of the enactment of AEMTCA. (42 U.S.C. 6295(e)(5)(B)) The final rule must replace the current energy factor, thermal efficiency, and standby loss metrics with a uniform efficiency descriptor. (42 U.S.C. 6295(e)(5)(C)) The July 2014 final rule fulfilled these requirements. AEMTCA requires that, beginning one year after the date of publication of DOE's final rule establishing the uniform descriptor (*i.e.,* July 13, 2015), the efficiency standards for the consumer water heaters and residential-duty commercial water heaters identified in the July 2014 final rule must be denominated according to the uniform efficiency descriptor established in that final rule (42 U.S.C. 6295(e)(5)(D)), and that DOE must develop a mathematical conversion factor for converting the measurement of efficiency for those water heaters from the test procedures and metrics currently in effect to the new uniform energy descriptor. (42 U.S.C. 6295(e)(5)(E)(i)–(ii)) Consumer water heaters and residential-duty commercial water heaters manufactured prior to the effective date of the final rule (*i.e.,* July 13, 2015) that comply with the efficiency standards and labeling requirements in effect prior to the final rule shall be considered to comply with the final rule and with any revised labeling requirements established by the Federal Trade Commission (FTC) to carry out the final rule. (42 U.S.C. 6295(e)(5)(K))

AEMTCA also requires that the uniform efficiency descriptor and accompanying test method apply, to the maximum extent practicable, to all water-heating technologies currently in use and to future water-heating technologies. (42 U.S.C. 6295(e)(5)(H)) AEMTCA allows DOE to provide an exclusion from the uniform efficiency descriptor for specific categories of otherwise covered water heaters that do not have residential uses, that can be clearly described, and that are effectively rated using the current thermal efficiency and standby loss descriptors. (42 U.S.C. 6295(e)(5)(F))

AEMTCA outlines DOE's various options for establishing a new uniform efficiency descriptor for water heaters. The options that AEMTCA provides to DOE include: (1) A revised version of the energy factor descriptor currently in use; (2) the thermal efficiency and standby loss descriptors currently in use; (3) a revised version of the thermal efficiency and standby loss descriptors; (4) a hybrid of descriptors; or (5) a new approach. (42 U.S.C. 6295(e)(5)(G)) Lastly, AEMTCA requires that DOE invite stakeholders to participate in the rulemaking process, and that DOE contract with the National Institute of Standards and Technology (NIST), as necessary, to conduct testing and simulation of alternative descriptors identified for consideration. (42 U.S.C. 6295(e)(5)(I)–(J))

As noted previously, in the July 2014 final rule, DOE amended its test procedure for consumer and certain commercial water heaters. 79 FR 40542 (July 11, 2014). The July 2014 final rule for consumer and certain commercial water heaters satisfied the AEMTCA requirements to develop a uniform efficiency descriptor to replace the existing energy factor, thermal efficiency and standby loss metrics. The amended test procedure includes

provisions for determining the uniform energy factor (UEF), as well as the annual energy consumption of these products. Furthermore, the uniform descriptor test procedure can be applied to: (1) Most consumer water heaters (including certain consumer water heaters that are covered products under EPCA's definition of ''water heater'' at 42 U.S.C. 6291(27), but that are not addressed by the existing test method); and (2) to commercial water heaters that have residential applications. The major modifications to the existing DOE test procedure to establish the uniform descriptor test method included the use of multiple draw patterns and different draw patterns, and changes to the set-point temperature. In addition, DOE expanded the scope of the test method to include test procedure provisions that are applicable to water heaters with storage volumes between 2 gallons (7.6 L) and 20 gallons (76 L), and to clarify applicability to electric instantaneous water heaters. DOE also established a new equipment class and corresponding definition for ''residential-duty commercial water heater.''

This rulemaking will satisfy the requirements of AEMTCA to develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures and metrics currently in effect to the new uniform energy descriptor. (42 U.S.C. 6295(e)(5)(E))

II. Summary of the Notice of Proposed Rulemaking

This notice of proposed rulemaking proposes to establish a mathematical conversion factor between the current rated values under the existing water heaters test procedures (*i.e.,* energy factor, first-hour rating, maximum gallons per minute (GPM) rating, thermal efficiency, standby loss), and the amended test procedure for the uniform efficiency descriptor (*i.e.,* UEF and first-hour rating or maximum GPM rating), which was established in the July 2014 final rule. As discussed previously, the water heater test procedure was updated to be more representative of conditions encountered in the field (including modifications to both the test conditions and the draw patterns) and to expand the scope of the test procedure to apply to certain commercial and consumer water heaters that are currently not addressed by the test procedure.

The mathematical conversion factor required by AEMTCA is a bridge between the efficiency ratings obtained through testing under the existing test procedures and those obtained under the uniform efficiency descriptor test procedure published in the July 2014 final rule. Therefore, the mathematical conversion factor will only apply to products and equipment covered by the existing test procedure, as products and equipment that are not covered by the existing test method would not have ratings to be converted. Certain water heater types are not covered by the mathematical conversion factor, either because they are not covered by the uniform efficiency descriptor established by the July 2014 final rule (*e.g.,* commercial heat pump water heaters), or because they are not covered by DOE's existing test procedure (*e.g.,* water heaters with storage volumes between 2 and 20 gallons). The water heater types that are and are not covered by the mathematical conversion factor are discussed in detail in section III.B of this notice of proposed rulemaking.

To help develop the mathematical conversion factor, DOE conducted a series of tests on the types of water heaters included within the scope of this rulemaking (*i.e.,* those described in section III.B and that pass the minimum standards for consumer [4] and commercial water heaters). An investigation of DOE's Compliance Certification Management System (CCMS) and the Air-Conditioning, Heating, and Refrigeration Institute's (AHRI) water-heating databases found that certain types of water heaters are not available for purchase on the market; these units are discussed in section III.B. As there are no existing water heaters in these product classes, and the purpose of the conversion factor is to convert the efficiency ratings of existing water heaters, DOE did not include these water heaters in its analysis for the mathematical conversion factor.

DOE selected 72 water heaters for testing, including: 43 consumer storage units, 22 consumer instantaneous units, and 7 commercial residential-duty storage units. Units were selected to represent the range of rated values available on the market (*i.e.,* storage volume, input rate, first-hour rating, maximum GPM, recovery efficiency, energy factor, thermal efficiency, and standby loss). DOE used data obtained from testing, along with analytical methods described in section III.C, to calculate the conversion factors described in this document. DOE investigated several approaches to derive these conversion factors, which are discussed in detail in section III.C of this notice of proposed rulemaking. DOE developed different conversion factors for determining first-hour rating, maximum GPM, and UEF based on the existing ratings for consumer and residential-duty commercial water heaters, which can be found in section III.E.

DOE then used the conversion factors to derive minimum energy conservation standards based on the UEF, as shown in Table II.1 and Table II.2. The proposed standards based on UEF are neither more nor less stringent than the existing standards for consumer water heaters based on energy factor (as amended by the April 2010 final rule) and for commercial water-heating equipment based on the thermal efficiency and standby loss metrics. The methodology for deriving the proposed UEF standards is discussed in detail in section III.E.3 of this notice of proposed rulemaking.

TABLE II.1—PROPOSED CONSUMER WATER HEATER ENERGY CONSERVATION STANDARDS

Product class	Rated storage volume	Draw pattern	Uniform energy factor *
Gas-fired Storage	≥20 gal and ≤55 gal	Very Small	$0.3263 - (0.0019 \times V_r)$
		Low	$0.5891 - (0.0019 \times V_r)$
		Medium	$0.6326 - (0.0013 \times V_r)$
		High	$0.7128 - (0.0025 \times V_r)$
	>55 gal and ≤100 gal	Very Small	$0.5352 - (0.0007 \times V_r)$
		Low	$0.7375 - (0.0009 \times V_r)$
		Medium	$0.7704 - (0.0010 \times V_r)$
		High	$0.7980 - (0.0010 \times V_r)$
Oil-fired Storage	≤50 gal	Very Small	$0.2267 - (0.0014 \times V_r)$

[4] DOE published a final rule on April 16, 2010, that will require compliance with amended energy conservation standards beginning on April 16, 2015. 75 FR 20112. DOE focused the testing of consumer water heaters on units that would comply with the amended standards.

TABLE II.1—PROPOSED CONSUMER WATER HEATER ENERGY CONSERVATION STANDARDS—Continued

Product class	Rated storage volume	Draw pattern	Uniform energy factor *
		Low	$0.4867 - (0.0006 \times V_r)$
		Medium	$0.6016 - (0.0012 \times V_r)$
		High	$0.6529 - (0.0005 \times V_r)$
Electric Storage	≥20 gal and ≤55 gal	Very Small	$0.8268 - (0.0002 \times V_r)$
		Low	$0.9393 - (0.0004 \times V_r)$
		Medium	$0.9683 - (0.0007 \times V_r)$
		High	$0.9656 - (0.0004 \times V_r)$
	>55 gal and ≤120 gal	Very Small	$1.2701 - (0.0011 \times V_r)$
		Low	$1.9137 - (0.0011 \times V_r)$
		Medium	$2.0626 - (0.0011 \times V_r)$
		High	$2.1858 - (0.0011 \times V_r)$
Tabletop Storage	≥20 gal and ≤100 gal	Very Small	$0.6808 - (0.0022 \times V_r)$
		Low	$0.8770 - (0.0012 \times V_r)$
		Medium	$0.9063 - (0.0009 \times V_r)$
		High	$0.9302 - (0.0006 \times V_r)$
Gas-fired Instantaneous	<2 gal	All	$0.8036 - (0.0019 \times V_r)$
Electric Instantaneous	<2 gal	All	$0.9192 - (0.0013 \times V_r)$

* V_r is the rated storage volume which equals the water storage capacity of a water heater (in gallons), as specified by the manufacturer.

TABLE II.2—PROPOSED RESIDENTIAL-DUTY COMMERCIAL WATER HEATER ENERGY CONSERVATION STANDARDS

Product class	Draw pattern	Uniform energy factor
Gas-fired Storage	Very Small	$0.3261 - (0.0006 \times V_r)$
	Low	$0.5219 - (0.0008 \times V_r)$
	Medium	$0.5585 - (0.0006 \times V_r)$
	High	$0.6044 - (0.0005 \times V_r)$
Oil-fired Storage	Very Small	$0.3206 - (0.0006 \times V_r)$
	Low	$0.5577 - (0.0019 \times V_r)$
	Medium	$0.6027 - (0.0019 \times V_r)$
	High	$0.6446 - (0.0018 \times V_r)$

*V_r is the rated storage volume which equals the water storage capacity of a water heater (in gallons), as specified by the manufacturer.

EPCA requires that a covered water heater be considered to comply with the July 2014 final rule on and after July 13, 2015 (the effective date of the July 2014 final rule) and with any revised labeling requirements established by the Federal Trade Commission to carry out the July 2014 final rule if the covered water heater was manufactured prior to July 13, 2015, and complied with the efficiency standards and labeling requirements in effect prior to July 13, 2015. (42 U.S.C. 6295(e)(5)(K)) Upon the effective date of the final rule establishing the mathematical conversion factor (this rulemaking), compliance with energy conservation standards will be exclusively determined based on the standards as defined in terms of UEF, which will be established by this rulemaking. DOE has tentatively concluded that there will be three possible compliance paths available to manufacturers for basic models of consumer water heaters that were certified before July 13, 2015:

(1) Convert the certified rating for energy factor obtained using the test procedure contained in Appendix E to subpart B of 10 CFR part 430 of the January 1, 2015 edition of the CFR along with the applicable sampling provisions in 10 CFR part 429 from energy factor to uniform energy factor using the applicable mathematical conversion factor; or

(2) Conduct testing using the test procedure contained at Appendix E to subpart B of 10 CFR part 430, effective July 13, 2015, along with the applicable sampling provisions in 10 CFR part 429; or

(3) Where permitted, apply an alternative efficiency determination method (AEDM) pursuant to 10 CFR 429.70 to determine the represented efficiency of basic models for those categories of consumer water heaters where the ''tested basic model'' was tested using the test procedure contained at Appendix E to subpart B of 10 CFR part 430, effective July 13, 2015.

Similarly, DOE has tentatively concluded that there will be three possible compliance paths available to manufacturers for basic models of commercial residential-duty water heaters that were certified before July 13, 2015:

(1) Convert the certified rating for thermal efficiency and standby loss obtained using the test procedure contained in 10 CFR 431.106 of the January 1, 2015 edition of the CFR along with the applicable sampling provisions in part 429 from thermal efficiency and standby loss to uniform energy factor using the applicable mathematical conversion factor; or

(2) Conduct testing using the test procedure at 10 CFR 431.106, effective July 13, 2015, along with the applicable sampling provisions in part 429; or

(3) Where permitted, apply an alternative efficiency determination method (AEDM) pursuant to 10 CFR 429.70 to determine the represented efficiency of basic models for those categories of commercial water heaters where the ''tested basic model'' was tested using the test procedure at 10 CFR 431.106, effective July 13, 2015.

After July 13, 2015, all new basic models (previously uncertified) must be rated using the new test procedure either by testing or by an AEDM, where allowed. All water heaters subject to the new test procedure adopted by the July 2014 final rule must be rated and certified in terms of UEF. DOE will assess compliance based upon the energy conservation standards expressed in terms of UEF as developed in this rulemaking. One year after the final rule in this rulemaking is published, all water heaters subject to the new UEF test procedure must be

rated and certified based on testing using the UEF test procedure or an AEDM, which is based on the UEF test procedure, where allowed. A summary of the options and requirements at various key dates is shown in the table below.

TABLE II.3—SUMMARY OF KEY DATES AND REQUIREMENTS

Description of date	Date	Requirements
Test Procedure Effective Date	July 13, 2015	For new basic models introduced into commerce on or after July 13, 2015, manufacturers must begin to test and represent efficiency using the UEF metric pursuant to the UEF test procedure and sampling plan (or an AEDM that is based on the UEF test procedure, where allowed).
Conversion Factor Effective Date	Date of publication of the conversion factor final rule in the **Federal Register**.	For basic models certified using the EF metric or thermal efficiency and/or standby loss metrics prior to July 13, 2015, manufacturers must transition all of their representations to UEF either by applying the conversion equations or by using the UEF test procedure and sampling plan (or an AEDM that is based on the UEF test procedure, where allowed).
Conversion Factor Ending Date	One year after publication of conversion factor final rule.	All basic models must be rated in terms of UEF using the UEF test procedure and sampling plan or an AEDM that is based on the UEF test procedure, where allowed.

III. Discussion

A. Stakeholder Comments on Other Rulemakings

During the rulemaking process to develop the uniform efficiency descriptor test procedure, comments were received from stakeholders in reference to the derivation and applicability of the conversion factor. DOE deferred discussion of and response to those comments until such time as they could be addressed in this rulemaking.

In response to the test procedure request for information (RFI [5]) published on January 11, 2013, DOE received seven written comments related to the conversion factor from the following interested parties: AHRI, A.O. Smith Corporation (A.O. Smith), Edison Electric Institute (EEI), Heat Transfer Products Inc. (HTP), the National Renewable Energy Laboratory (NREL), the Northwest Energy Efficiency Alliance (NEEA), and a joint comment on behalf of a number of environmental groups and efficiency advocates submitted by the American Council for an Energy-Efficient Economy (ACEEE).[6] These comments are discussed immediately below.

NREL stated that there is not a simple conversion factor that will work across all systems, but suggested an application of the Water Heater Analysis Model (WHAM) [7] to assist DOE in developing the conversion factor for storage water heaters. (NREL, EERE–2011–BT–TP–0042–0029 at p. 4) The joint commenters supported the use of a ''good-enough'' mathematical conversion method to express existing ratings in terms of the new uniform descriptor and urged DOE to test a sample of existing products to validate the algorithmic conversion method. (Joint comment, EERE–2011–BT–TP–0042–0035 at p. 4) HTP commented that the most exact approach would be to conduct an empirical analysis using curve fitting to actual test data, although the commenter acknowledged that there is not sufficient time for manufacturers to obtain this information and for the Department to then correlate and analyze the data. (HTP, EERE–2011–BT–TP–0042–0041 at p. 3)

Regarding the derivation of updated energy conservation standards using the new uniform descriptor, AHRI and A.O. Smith commented that DOE should not simply test multiple units to determine an average difference between the current and new ratings and use that value to convert the ratings. (AHRI, EERE–2011–BT–TP–0042–0033 at p. 4; A.O. Smith, EERE–2011–BT–TP–0042–0034 at p. 3) NEEA commented that considering the limited laboratory capacity to test all water heaters under the revised method of test, DOE should assume that all water heaters that comply with current standards will also comply after the implementation of the new metrics. (NEEA, EERE–2011–BT–TP–0042–0037 at p. 6) EEI commented that the conversion factor should not make currently existing standards more stringent and should only be based on point-of-use metrics to be consistent with Federal law. (EEI, EERE–2011–BT–TP–0042–0040 at p. 2)

In response to the test procedure NOPR [8] published on November 4, 2013, DOE received three additional written comments related to the conversion factor from: AHRI, Bradford White Corporation (BWC) and a joint comment submitted on behalf of a number of environmental groups and efficiency advocates by ACEEE.[9] AHRI and BWC suggested model types to test and urged DOE to release a schedule and process for the development of the conversion factor as soon as possible. (AHRI, EERE–2011–BT–TP–0042–0075 at p. 6–7; BWC, EERE–2011–BT–TP–0042–0061 at p. 7) AHRI suggested two categories to be considered in the conversion factor rulemaking: water heater type and storage volume. BWC expanded on the list of categories supplied by AHRI by

[5] 78 FR 2340.

[6] ACEEE submitted a joint comment on behalf of ACEEE, the Appliance Standards Awareness Project (ASAP), the Alliance to Save Energy (ASE), the National Consumer Law Center (NCLC), the National Resources Defense Council (NRDC), the Northwest Power and Conservation Council (NPCC), and the Northeast Energy Efficiency Partnerships (NEEP).

[7] Lutz, Jim, Camilla D. Whitehead, Alex Lekov, David Winiarski, and Greg Rosenquist, *WHAM: A Simplified Energy Consumption Equation for Water Heaters,* Proc. of 1998 ACEEE Summer Study on Energy Efficiency in Buildings. Vol. 1. 171–83. Print.

[8] 78 FR 66202.

[9] ACEEE submitted a joint comment on behalf of ACEEE, ASAP, ASE, Consumers Union (CU), NCLC, NRDC and NEEP.

including considerations for input capacity, venting options, tank configuration, NO_X emissions, and mobile home certification. The joint comment suggested that the sensitivity of the energy factor to draw pattern be investigated and that systematic differences between ''old'' and ''new'' values should be expected for several technologies. (Joint Comment, EERE–2011–BT–TP–0042–0077 at p. 2)

DOE has considered these comments fully in the development of this proposed rule. Although discussed in overview here, these comments are discussed in more detail later in this document as applicable to DOE's specific decisions regarding the mathematical conversion factor. In regards to the method of developing the conversion factor, DOE agrees in principle with the HTP comment that the most exact approach would be an empirical analysis using a curve-fitting method and actual test data, because such approach would account for all the changes made in the new test procedure, without having to make assumptions. However, DOE notes that the confidence in this empirical approach is dependent upon sample size and has considered whether the approach can feasibly be tested and implemented within the time constraints set forth by AEMTCA. (The curve-fitting method investigated is discussed in section III.C.3.)

In addition, as suggested by NREL, DOE investigated the use of the WHAM model to predict water heater efficiency under the new test procedure parameters, and used the results in the conversion factor analysis. The methodology for applying WHAM and the results are found in section III.C.2.c. As suggested in the NOPR joint comment, the sensitivity of the UEF to draw pattern was investigated by including the drawn volume in the conversion factor calculations; this approach is discussed further in section III.C.

In an effort to develop a mathematical conversion factor, DOE commissioned testing of 72 individual water heaters from various easily distinguishable water-heating categories under the updated test procedure. All of the water heaters chosen were found using either the Compliance Certification Management System (CCMS) or AHRI water heater databases, where the water heaters included in the databases were further distinguished based on the suggestions made by AHRI and BWC in response to the November 2013 water heaters NOPR (78 FR 66202 (Nov. 4, 2013)). The models selected for testing and the parameters examined are described in more detail in section III.D. These test data were used to investigate all of the potential conversion factor methods described in section III.C.

DOE has also carefully considered the comments regarding the establishment of energy conservation standards using the uniform efficiency descriptor metric (*i.e.,* UEF). Those comments are discussed further in section III.E.3.

B. Scope

The purpose of this section is to describe DOE's process for categorizing water heaters and establishing the range of units to be considered in this mathematical conversion factor rulemaking. DOE seeks comment on the scope of the conversion factor. This is identified as issue 1 in section V.E, ''Issues on Which DOE Seeks Comment.''

1. Test Procedure and Energy Conservation Standards Coverage

To determine the appropriate scope of coverage for the mathematical conversion factor, DOE first considered the scope of its existing test procedures and energy conservation standards for consumer and commercial water heaters. Water heaters that are not currently subject to the DOE test procedures or standards were not included in the scope of the conversion factor, as they are not required to be tested and rated for efficiency under the DOE test method.

a. Consumer Water Heaters

Under the existing regulatory definitions, DOE's current consumer water heater test procedures and energy conservation standards are not applicable to gas or electric water heaters with storage tanks that are at or above 2 gallons (7.6 L) and less than 20 gallons (76 L). In terms of the high end of the capacity range, the current DOE test procedure for consumer water heaters only applies to gas-fired water heaters with storage volumes less than or equal to 100 gallons (380 L), electric resistance and heat pump storage water heaters with storage volumes less than or equal to 120 gallons (450 L), and oil-fired water heaters with storage volumes less than or equal to 50 gallons (190 L). 10 CFR part 430, subpart B, appendix E, sections 1.12.1, 1.12.2, and 1.12.4.

In the July 2014 final rule, DOE expanded the scope of the water heater test procedure for the uniform efficiency descriptor to include water heaters with storage volumes between 2 and 20 gallons and up to 120 gallons. 79 FR 40542, 40547–48 (July 11, 2014).

DOE's current consumer water heater test procedure and energy conservation standards are not applicable to gas-fired instantaneous water heaters with input capacities at or below 50,000 Btu/h or at or above 200,000 Btu/h. 10 CFR part 430, subpart B, appendix E, section 1.7.2. In addition, the existing test procedure and energy conservation standards are not applicable to gas-fired storage water heaters with input capacities above 75,000 Btu/h, electric storage water heaters with input ratings above 12 kW, and oil-fired storage water heaters with input ratings above 105,000 Btu/h, as models exceeding those limits would not be classified as consumer water heaters under EPCA. (42 U.S.C. 6291(27)); 10 CFR part 430, subpart B, appendix E, sections 1.12.1, 1.12.2, and 1.12.4.

In the July 2014 final rule, DOE designed the test procedure so it is applicable to water heaters with any input capacity. Therefore, the lower limit for instantaneous water heaters no longer applies. 79 FR 40542, 40548 (July 11, 2014).

As discussed in the July 2014 final rule, definitions were added for ''electric instantaneous water heater,'' ''gas-fired heat pump water heater,'' and ''oil-fired instantaneous water heater,'' and the July 2014 test procedure is applicable to these types of appliances. 79 FR 40542, 40549 (July 11, 2014).

Although there is no definition for ''electric instantaneous water heater'' in the current test procedure in 10 CFR part 430, subpart B, Appendix E, an energy conservation standard exists for this type of water heater. In addition, the current test procedure can be applied to electric instantaneous water heaters, and manufacturers report energy factor ratings for these products. For these reasons, DOE has decided to include electric instantaneous water heaters with rated storage volumes <2 gallons and rated inputs ≤12 kW in the conversion factor analysis.

DOE has tentatively excluded the consumer water heater products listed in Table III.1 from consideration for the mathematical conversion factor due to the lack of an existing Federal test procedure and rating to be converted.

TABLE III.1—CONSUMER WATER HEATERS NOT COVERED BY THE MATHEMATICAL CONVERSION FACTOR

Product class	Description of criteria for exclusion from conversion rulemaking
Gas-fired Storage	Rated Storage Volume ≥2 gal and <20 gal or >100 gal and ≤120 gal.
Oil-fired Storage	Rated Storage Volume >50 gal.
Electric Storage	Rated Storage Volume ≥2 gal and <20 gal.
Tabletop	Rated Storage Volume ≥2 gal and <20 gal.
Gas-fired Instantaneous	Rated Input ≤ 50,000 Btu/h; Rated Storage Volume >2 gal.
Electric Instantaneous	Rated Storage Volume >2 gal.

b. Commercial Water Heaters

As stated in the July 2014 final rule, DOE excluded from the uniform efficiency descriptor any specific category of water heater that does not have a residential use, can be clearly described, and can be effectively rated using the current thermal efficiency and standby loss descriptors. 79 FR 40542, 40545 (July 11, 2014). DOE determined that certain commercial water heaters met these criteria to be excluded from the uniform efficiency descriptor, and distinguished them from water heaters that do not meet the criteria by establishing equipment classes for residential-duty commercial water heaters. Commercial water heaters meeting the definition of ''residential-duty commercial water heater'' do not meet the criteria for exclusion, and thus, are included in the uniform efficiency descriptor while all other commercial water heaters are not. DOE determined that three criteria would be used to distinguish residential-duty commercial water heaters from other commercial water heaters (79 FR 40542, 40547 (July 11, 2014)):

(1) For models requiring electricity, uses single-phase external power supply;

(2) Is not designed to provide outlet hot water at temperatures greater than 180 °F; and

(3) Is not excluded by the limitations regarding rated input and storage volume presented in Table III.2.

TABLE III.2—CAPACITY LIMITATIONS FOR DEFINING COMMERCIAL WATER HEATERS WITHOUT RESIDENTIAL APPLICATIONS (*i.e.,* NON-RESIDENTIAL-DUTY)

Water heater type	Indicator of non-residential application
Gas-fired Storage	Rated input >105 kBtu/h; Rated storage volume >120 gallons.
Oil-fired Storage	Rated input >140 kBtu/h; Rated storage volume >120 gallons.
Electric Storage	Rated input >12 kW; Rated storage volume >120 gallons.
Heat Pump with Storage	Rated input >15 kW; Rated current >24 A at a rated voltage of not greater than 250 V; Rated storage volume >120 gallons.
Gas-fired Instantaneous	Rated input >200 kBtu/h; Rated storage volume >2 gallons.
Electric Instantaneous	Rated input >58.6 kW; Rated storage volume >2 gallons.
Oil-fired Instantaneous	Rated input >210 kBtu/h; Rated storage volume >2 gallons.

DOE did not include commercial water-heating equipment that does not meet the definition of a ''residential-duty commercial water heater'' in its consideration of the mathematical conversion factor, as the equipment is not subject to the uniform efficiency descriptor test procedure. Additionally, DOE notes that there are no electric storage water heaters that would be considered to be residential-duty commercial since the qualifications shown in Table II.2 would place an electric storage water heater in the consumer category. Since there are no such units, and could not be such units under the applicable definition, a conversion is unnecessary. DOE is, therefore, not proposing a conversion factor for residential-duty electric storage water heaters. DOE also notes that a water heater that meets the definition of a consumer electric storage water heater must be tested and rated as a consumer electric storage water heater even if it is marketed as part of a commercial product line.

As stated in the July 2014 final rule, DOE has determined that certain commercial equipment including unfired storage tanks, add-on heat pump water heaters, and hot water supply boilers are not appropriately rated using the uniform descriptor applicable to other water heaters, and, thus, will continue to be rated using the existing metrics. 79 FR 40542, 40547.

Electric instantaneous water heaters are currently subject to the commercial water heating equipment test procedures but do not have an associated energy conservation standard. 10 CFR 431.106; 10 CFR 431.110. Because there is no commercial energy conservation standard for electric instantaneous water heaters, a conversion to the UEF cannot be made.

2. Units on the Market

As stated in section II, DOE undertook an investigation into the water-heating units on the market at the time of the publication of the final rule establishing the UEF test procedure. The AHRI commercial water heater database along with the CCMS consumer water heater database were examined to select representative units for testing and analysis.

DOE's analysis focused on the models that meet the energy conservation standards contained in the April 2010 final rule, which will require compliance on April 16, 2015. The storage volume divisions at 55 gallons in the gas-fired and electric storage product classes, as established in the April 16, 2010 final rule, represent a divide in technology. For gas-fired storage units above 55 gallons manufactured on and after April 16, 2015, the energy conservation standard will be high enough that current designs can only achieve the required efficiency through the use of condensing technology.[10] For electric storage units with storage volumes above 55 gallons, only heat pump water heaters currently

[10] In a condensing water heater, the combustion gases are cooled such that the temperature is reduced below the dew point and condensation occurs, allowing the latent heat of vaporization to be captured and improving the efficiency of the heat exchange between the combustion gases and the water.

have the ability to reach the April 16, 2015 energy conservation standard levels. While the UEF test procedure will apply to both electric and gas units in this range, DOE found that for gas-fired storage water heaters, there are currently no consumer water heaters above 55 gallons that would be compliant with the updated standard, so no units were tested for development of a conversion factor. For electric storage water heaters, heat pump water heaters meet or exceed the amended energy conservation standards and, thus, were candidates for inclusion in the test plan for the conversion factor. There are no oil-fired instantaneous or oil-fired storage water heaters above 50 gallons available on the market.

In reviewing the commercial water heating market, DOE found that commercial oil-fired instantaneous water heaters are available on the market but do not meet the definition of ''residential-duty commercial water heater,'' as they have storage volumes greater than 2 gallons. DOE found that all commercial gas-fired instantaneous units exceeded the maximum delivery temperature of 180 °F for residential-duty commercial water heaters, and, thus, would be regulated using the existing thermal efficiency and standby loss metrics. DOE also found that commercial electric instantaneous units which meet the definition of ''residential-duty commercial water heater'' exist, however, as stated in section III.B.1.b, no energy conservation standard exists for these units; therefore a conversion factor was not developed.

Consequently, none of the commercial water heaters identified above could be tested or examined for use in this rulemaking. In addition, a conversion factor for these water heaters is not needed because there are no units in existence with efficiency ratings that can be converted. However, because a manufacturer may want to design and produce products in these equipment classes in the future, DOE must establish energy conservation standards in terms of the UEF metric. Accordingly, DOE used information gained from other product classes to establish these energy conservation standards, as discussed in section III.E.

C. Potential Approaches for Developing Conversions

1. Background Regarding Changes to Existing Test Procedures

a. Consumer Water Heater Test Procedures

Both the current test procedure and the uniform efficiency descriptor test procedure consist of a delivery capacity test and a 24-hour simulated-use test. The delivery capacity tests for storage and instantaneous water heaters are the first-hour rating and maximum GPM tests, respectively. These tests are largely unchanged from the current to the new test procedure, except for modifications to account for the decrease in delivered water temperature from a nominal value of 135 °F to 125 °F. The results of those tests, however, have implications on the 24-hour simulated-use test under the new test procedure that are absent under the current test procedure.

In the current test procedure, the delivery capacity has no effect on the 24-hour simulated-use test, which consists of six hot water draws, of equivalent volumes, at the start of the test and each of the first five subsequent hours. The water heater is then in standby mode for the remainder of the test. In the July 2014 final rule, however, the delivery capacity determines the draw pattern for the 24-hour simulated-use test. According to the new test procedure, a water heater's delivery capacity can be categorized as either very small, low, medium, or high; these usages are shown below in Table III.3. 79 FR 40542, 40572 (July 11, 2014). These usage categories have an associated draw pattern prescribed to them during the 24-hour simulated-use. Depending on the delivery capacity associated with a water heater, between 9 and 14 hot water draws of various volumes and flow rates are required.

TABLE III.3—DELIVERY CAPACITY CATEGORIZATION CRITERIA

Draw Pattern	First-Hour Rating, gal		Maximum GPM, gpm		Drawn Volume, gal
	≥	<	≥	<	
Very Small	0	18	0	1.7	10
Low	18	51	1.7	2.8	38
Medium	51	75	2.8	4	55
High	75	No upper limit	4	No upper limit	84

In the existing DOE consumer water heater test procedure, a temperature of 135 °F ± 5 °F is used for the set-point temperature for storage water heaters (measured as the mean tank temperature) and the delivery temperature for instantaneous water heaters. In the uniform efficiency descriptor test procedure set forth in the July 2014 final rule, a temperature of 125 °F ± 5 °F is used for the set-point temperature for storage water heaters (measured as the delivery temperature) and the delivery temperature of instantaneous water heaters. 79 FR 40542, 40554 (July 11, 2014).

b. Commercial Water Heater Test Procedure

The current test procedure for rating commercial water heaters consists of a steady-state test to determine thermal efficiency and a test lasting between 24 and 48 hours to measure the standby loss. 77 FR 28996 (May 16, 2012); 10 CFR 431.106. For electric resistance water heaters, the thermal efficiency is assigned a value of 98 percent in lieu of testing. The set-point temperature of the water heater is 140 °F ± 5 °F, and the unit sits in an environment with an ambient temperature of 75 °F ± 10 °F. Water is supplied to the water heater at a temperature of 70 °F ± 2 °F. Instantaneous water heaters are not required to undergo a standby loss test.

Under the uniform efficiency descriptor test procedure, commercial water heaters falling under the ''residential-duty'' category will now be subject to the first-hour rating or maximum GPM test and simulated-use tests specified in the previous section (III.C.1.a), with the same set-point temperature, ambient temperature, and inlet water temperature as is applied to consumer water heaters.

2. Analytical Methods

For converting existing ratings to ratings under the uniform efficiency descriptor test method, DOE considered equations based on a water heater's physical characteristics; these approaches will be termed analytical methods. The sections below describe

potential analytical methods for the three key metrics that result from the uniform efficiency descriptor test method: (1) The maximum GPM; (2) the first-hour rating; and (3) the UEF. In the discussion immediately below, DOE introduces key factors that it expects will change ratings from the existing consumer and commercial water heater test procedures to the new uniform efficiency descriptor test procedure.

a. Maximum GPM

For flow-activated water heaters, the delivery capacity is determined by the 10-minute maximum GPM rating test. During this test, the water heater runs at maximum firing rate to raise the temperature from its nominal value of 58 °F to the prescribed delivery temperature. This flow rate is determined by the following equation:

$$\dot{V} = \frac{Q \cdot \eta_r}{\rho c_p (T_{del} - T_{in})}$$

where $\dot{V}$ is the volumetric flow rate of water, Q is the firing rate, η_r is the recovery efficiency, ρ is the density of the delivered water, c_p is the specific heat of the delivered water, T_{del} is the delivered water temperature, and T_{in} is the inlet water temperature. If it is assumed that the firing rate and recovery efficiency are the same with water delivered at 125 °F and 135 °F, then the ratio of the maximum GPM at 125 °F versus that at 135 °F is determined by the following equation:

$$\frac{\dot{V}_{125}}{\dot{V}_{135}} = \frac{(\rho c_p)_{135}(135°\text{F} - 58°\text{F})}{(\rho c_p)_{125}(125°\text{F} - 58°\text{F})} = 1.147$$

Therefore, an analytical conversion from the existing maximum GPM rating ($\dot{V}_{ex}$) for consumer water heaters to the rating under the test conditions in the uniform efficiency descriptor test method ($\dot{V}_{UED}$) is:

$\dot{V}_{UED} = 1.147\dot{V}_{ex}$

As discussed in detail in section III.E.2, tests on flow-activated water heaters showed a change in maximum GPM rating under the uniform efficiency descriptor test method that correlated well with the above equation.

b. First-Hour Rating

For water heaters that have a heat source controlled by means other than sensing flow (*e.g.,* thermostatically-controlled), the delivery capacity is determined through a first-hour rating test. During this test, the water heater begins in its fully heated state, and water is drawn from it at a specified flow rate until the temperature of the delivered water drops a specified amount. The water heater is then allowed to recover, and subsequent draws are initiated when the controller acts to reduce the heat input to particular burners or heating elements specified in the test procedure. These subsequent draws are terminated based on the same criterion that is used for the first draw, namely that the outlet water temperature drops a set amount of degrees from its maximum value during that draw. When the test reaches a duration of one hour from the start of the first draw, the test concludes after the draw termination criterion is reached for the draw taking place at one hour from the start of the test. If no draw is occurring at the one hour duration, a draw is initiated and terminated when the outlet water temperature reaches the termination temperature of the previous draw, and the test is concluded upon termination of that draw.

In the uniform efficiency descriptor test procedure, the primary change that will affect the first-hour rating is the shift from a nominal delivery temperature of 135 °F to 125 °F and the accompanying adjustment to the draw termination criterion to a decrease in delivered water temperature from 25 °F in the current consumer water heater test method to 15 °F in the uniform efficiency descriptor test method. Because the initial set-point temperature is reduced in the uniform efficiency descriptor as compared to the existing consumer water heater test procedure, less stored thermal energy will be available at the start of the test. However, this effect is countered because the lower set-point temperature allows the water heater to recover quicker (as the water only needs to be heated to a 15 °F temperature rise rather than a 25 °F temperature rise), thereby allowing subsequent draws to start sooner than they would under the current test procedure. Thus, due to these offsetting effects, DOE has observed through testing that sometimes the first-hour rating is increased when tested under the uniform efficiency descriptor, and sometimes the rating is decreased. DOE is not aware of any analytical models that would mathematically represent this behavior, so it has chosen not to pursue such an approach for converting existing first-hour ratings to first-hour ratings under the uniform efficiency descriptor. Rather, as discussed in section III.C.3, DOE chose an approach based on an empirical regression for converting the first-hour ratings.

Likewise, DOE is not aware of any analytical method that will convert rated values of thermal efficiency and standby loss for residential-duty commercial storage water heaters to a first-hour rating. Therefore, DOE chose an approach based on empirical regression for converting existing ratings of residential-duty commercial water heaters to first-hour ratings.

c. Uniform Energy Factor

A number of changes to the 24-hour simulated-use test will alter the water heater energy efficiency ratings from the existing water heater test procedures as compared to the ratings obtained under the uniform efficiency descriptor test method. Among the key changes that are expected to alter the efficiency metric for consumer water heaters are: (1) A different volume of water withdrawn per test; (2) a change in the draw pattern (*i.e.,* number of draws, flow rates during draws, timing of draws) applied during the test; (3) reduction of the test temperature from an average stored temperature of 135 °F to a delivered water temperature of 125 °F; and (4) removal of the stipulation to normalize the energy consumption to maintain a prescribed average water temperature within the storage tank. Residential-duty commercial water heaters will see a change from the thermal efficiency and standby loss metrics currently in place to the UEF, which consists of an entirely new approach for rating efficiency.

i. Consumer Storage Water Heaters

A simple theoretical model for determining the energy consumption of a storage-type water heater based on key test parameters, termed the Water Heater Analysis Model (WHAM), was

presented by Lutz *et al.*[11] The equation for the energy input (Q) over a 24-hour period is determined using the following equation:

$$Q = \frac{\rho c_p V(T_{del} - T_{in})}{\eta_r}\left(1 - \frac{UA(T_{tank} - T_{amb})}{P}\right) + 24 \cdot UA \cdot (T_{tank} - T_{amb})$$

where ρ is the density of water, c_p is the specific heat of water, η_r is the recovery efficiency, V is the volume of water delivered per day, UA is the heat loss factor, T_{tank} is the average temperature of the water stored within the tank of a storage water heater, P is the input power to the water heater in Btu/h, T_{amb} is the average ambient temperature during the test, and 24 is the number of hours in the test. This equation considers the energy required to heat the water that is delivered by the water heater from the inlet water temperature up to the delivery temperature and the energy required to make up the heat lost from the water heater to the surrounding environment. The time over which this standby energy loss is determined is corrected by the term with the power in the denominator to account for the fact that η_r, as calculated in the test, accounts for standby energy loss during periods when heat input to the water is activated.

This calculated energy can then be used to estimate the daily efficiency, Eff, under a given daily water demand (*e.g.,* that required during the current EF test or that required during the UEF test):

$$Eff = \frac{\rho c_p V(T_{del} - T_{in})}{Q}$$

Currently, directories of water heater ratings provide the Eff (*i.e.,* Energy Factor), P, and η_r. Since the EF testing entails a prescribed T_{del} (135 °F), T_{in} (58 °F), T_{tank} (135 °F), T_{amb} (67.5 °F), and V (64.3 gallons), the two equations can be solved for the two remaining unknowns, Q and UA. The exception to this approach is heat pump water heaters. For these units, the reported recovery efficiency (η_r) is that of the resistance element inside the water heater. Since it is expected that the heat pump unit would provide the majority of the heating during the simulated-use test as opposed to the resistance element, the required data to use the WHAM model for heat pump water heaters is not readily available in publicly accessible directories. For these units, DOE proposes to base the conversion equation purely on experimental data.

After the equations are solved to determine UA, if one assumes that the UA and η_r do not change under the new test approach, then the two equations can be solved again (this time inserting the UA value obtained from solving the previous set of equations) to determine the values for Q and Eff (*i.e.,* UEF) under the uniform efficiency descriptor test method using the prescribed values for the uniform efficiency descriptor test procedure of T_{del} (125 °F), T_{in} (58 °F), T_{tank} (125 °F), T_{amb} (67.5 °F), and V (varies depending upon draw pattern).

This formulation entails a number of assumptions. A major assumption is that the average tank temperature is approximately equal to the delivered water temperature. As previously noted, the new procedure does not normalize the average stored water temperature to a prescribed value, so this estimate may not be completely accurate. Some water heaters have demonstrated that average tank temperature is below the typical delivered temperature because of stratification. This effect is believed to be most pronounced with condensing water heaters. Other water heaters show some stratification, but the average water temperature within the tank is typically closer to the delivered water temperature. Another assumption in this formulation is that the recovery efficiency and UA values do not change when the water heater stores water for delivery at 135 °F compared to storing it at 125 °F. While electric resistance water heaters have a prescribed recovery efficiency of 98 percent, other technologies may see changes in the recovery efficiency as the temperature drops. For example, the study by Sparn *et al.* shows plots of the Coefficient of Performance (COP), which is one aspect of the recovery efficiency, for heat pump water heaters.[12] Their data suggest an increase in COP of approximately 15 percent with the average tank temperature at 125 °F compared to 135 °F. Data obtained by DOE indicate an increase in recovery efficiency obtained during the same draw profile of between 3 and 13 percent, with an average of 8 percent. Data collected on fossil-fuel-fired water heaters show negligible dependency of the recovery efficiency on the prescribed tank temperature. The UA value may change slightly based on higher heat transfer coefficients at higher temperatures or changes in the thermal conductivity of insulating materials at higher temperatures. Data collected by DOE suggest that the UA value decreases 7 percent from 135 °F to 125 °F.

For an initial estimate, DOE considered the situation where the UA and recovery efficiency do not change with temperature. The equations above can estimate the effects of two key factors that have changed in the test procedure, namely the volume drawn per day and the delivery temperature. As more water is delivered, the fraction of energy required to make up the standby losses compared to the overall energy required by the water heater is diminished, thereby increasing the fraction of energy going towards hot delivered water and increasing the efficiency. The change in set-point temperature appears to have less of an effect on water heater efficiency, since two competing factors are at play. With a lower stored water temperature, the standby losses are decreased, thereby increasing the overall efficiency of the water heater. The lower delivery temperature, however, means that less energy is delivered per gallon, so the energy delivered for a given volume delivered per day is less than that when the water is delivered at 135 °F, thereby decreasing the efficiency of the water heater.

As noted, direct use of this model may not properly account for changes to the recovery efficiency, UA value, or normalization procedure for standby heat loss. Therefore, DOE has chosen a two-step process to convert the existing Energy Factor ratings for consumer storage water heaters to the UEF. First, using the equations and assumptions described above, a prediction of the

[11] Lutz, Jim, Camilla Dunham Whitehead, Alex Lekov, David Winiarski, and Greg Rosenquist. ''WHAM: A Simplified Energy Consumption Equation for Water Heaters'' In *Proceedings of the 1998 ACEEE Summer Study on Energy Efficiency in Buildings* (1998) (Available at: *http://cgec.ucdavis.edu/ACEEE/1998/pdffiles/papers/0114.pdf)* (Last accessed October 1, 2014).

[12] Sparn, B., K. Hudon, and D. Christensen, *Laboratory Performance Evaluation of Residential Integrated Heat Pump Water Heaters.* National Renewable Energy Laboratory (September 2011) (Available at: *http://www.nrel.gov/docs/fy11osti/52635.pdf*) (Last accessed October 1, 2014).

efficiency given by WHAM is determined, termed UEF_{WHAM}. This value is then considered as part of a regression analysis (see section III.C.3) to obtain a relationship that will convert from EF to UEF. DOE believes that the use of WHAM will capture the primary effects of changes in the volume of water delivered per day along with changes in the set-point temperature. Regression with experimental data will then capture the effects that may not be fully accounted for by WHAM, such as differences in the UA value, recovery efficiency, and the change to the normalization calculation procedure for standby heat loss.

To establish a clear method of applying the analytical model, the WHAM-based UEF equation and Table III.4, comprising the coefficients based on draw bin, are presented below. This equation incorporates the equations and assumptions presented above, where η_r and EF are the recovery efficiency and energy factor, respectively, based on the current DOE test procedure, and P is the nameplate input rate in Btu/h. As shown in Table III.4, constants ''a,'' ''b,'' ''c,'' and ''d'' are dependent on the volume of water being drawn.

$$\mathrm{UEF_{WHAM}} = \left[\frac{1}{\eta_r} + \left(\frac{1}{\mathrm{EF}} - \frac{1}{\eta_r}\right)\left(\frac{\mathrm{a\,P}\,\eta_r - \mathrm{b}}{\mathrm{c\,P}\,\eta_r - \mathrm{d}}\right)\right]^{-1}$$

TABLE III.4—COEFFICIENTS FOR WHAM-BASED UEF CONVERSION FACTOR

Draw bin	a	b	c	d
Very Small	56095146	12884892499	8930623	15125743368
Low	56095146	48962591496	33936368	57477824799
Medium	56095146	70866908744	49118427	83191588525
High	56095146	108233096990	75017235	127056244293

ii. Consumer Instantaneous Water Heaters

WHAM is not directly applicable to instantaneous water heaters because it assumes that the water heater loses heat at a constant rate throughout the day when the heating element is not energized. For instantaneous water heaters, this modeling approach is inappropriate since the unit does not store water at an elevated temperature throughout the day, rather heating water as it flows through the unit.

Instantaneous water heaters instead experience a separate type of heat loss to the surroundings that sometimes result in Energy Factors that are below the steady-state thermal efficiency. This loss occurs when heat that is present in the water heater at the end of a draw dissipates to the ambient. If a draw is not initiated shortly after the end of a draw, then most of this heat is lost. If, however, a subsequent draw starts shortly after a previous draw, some of that heat is captured in the hot water that is delivered.

DOE attempted to capture these effects in a modified equation that separately accounts for energy consumption that goes towards supplying heat to the delivered water and energy consumption that goes towards heating up the materials making up the water heater:

$$Q = \frac{\rho c_p V (T_{del} - T_{in})}{\eta_r} + LF \cdot N^* \cdot (T_{del} - T_{amb})$$

where LF is a loss factor related to the amount of energy stored in the materials of the water heater and N* is the number of draws from which heat loss occurs to the environment. LF is approximately equal to the mass of the material within the water heater times its heat capacity. N* is not simply the number of draws during the day, since some draws may occur close together and do not result in total energy loss. To determine the fraction of energy from a draw that is lost, DOE examined data from testing that suggested that most heat is lost from tankless water heaters after about one hour. Using this value, DOE scaled the energy loss for a draw by the length of the standby time following the draw. For example, a draw followed by over one hour of standby time would contribute a value of 1 to N* for that test. A draw followed by 30 minutes of standby time prior to the next draw would contribute a value of (30 min)/(60 min) = 0.5 to N*. Contributions from each draw in a test pattern are added to obtain a value for N* for each draw pattern. For the existing DOE consumer water heater test, N* is 5.64, as the standby time following each draw is slightly under 60 minutes. The values for N* for all draw patterns are provided in Table III.5.

TABLE III.5—ESTIMATE OF NUMBER OF DRAWS FROM WHICH ALL ENERGY FROM WATER HEATER IS LOST TO SURROUNDINGS

Draw pattern	N*
Existing Consumer Water Heater Draw Pattern	5.64
Very-Small-Use	4.36
Low-Use	6.72
Medium-Use	7.45

TABLE III.5—ESTIMATE OF NUMBER OF DRAWS FROM WHICH ALL ENERGY FROM WATER HEATER IS LOST TO SURROUNDINGS—Continued

Draw pattern	N*
High-Use	7.53

DOE attempted this approach by obtaining an estimate of LF from data obtained during testing of 17 gas instantaneous water heaters according to the current simulated-use test. (LF could theoretically be determined for each unit, but some test results showed a recovery efficiency equal to EF, which would mathematically lead to an infinite value of LF). A regression of the energy consumption data during these tests with the quantity multiplying LF in the previous model equation resulted in a value of LF of 0.679 Btu/°F. Using

this value to then estimate the energy consumption during the new simulated-use test resulted in predictions of the UEF. This approach resulted in a root mean squared error between predicted values and measured values of 0.027.

Alternatively, a set of regressions, based solely on test data, were examined to determine the impact of other factors as discussed in section III.C.3. The best regressions resulted in a mean squared error of 0.032.

As discussed for consumer storage water heaters in section III.C.2.c.i, DOE also considered a two-step process to convert the existing EF ratings to the UEF—first using the equations and assumptions described above to obtain an analytical prediction of UEF, then using a regression analysis to obtain a relationship that will convert from EF to UEF. Based on these results, DOE has chosen to use the analytical model plus a regression approach for converting EFs for consumer instantaneous water heaters to UEF. DOE has tentatively concluded that the assumptions made in the analytical model capture some key operating characteristics of the instantaneous units, and the further step to use measured data captures unforeseen issues. Details on this approach are provided in section III.C.3.

iii. Residential-Duty Commercial Water Heaters

DOE investigated a modified version of WHAM for converting the thermal efficiency and standby loss metrics for residential-duty commercial storage water heaters to UEF. The AHRI certification directory includes the thermal efficiency (E_t) and standby loss (SL). The equation below estimates the energy consumption of a water heater based on these efficiency metrics:

$$Q = \frac{\rho c_p V (T_{del} - T_{in})}{E_t} + 24 \cdot \frac{SL}{70} \cdot (T_{tank} - T_{amb})$$

where 70 represents the nominal temperature difference in degrees Fahrenheit between the tank and ambient during the standby loss test. By assuming that T_{tank} equals T_{del}, all variables in the equation above are known, since E_t and SL can be obtained from current ratings and all other variables are specified in the UEF test procedure for a given projected first-hour rating. The equation above can be used in combination with the one below to estimate the UEF for residential-duty storage water heaters (UEF_{rd}):

$$\mathrm{UEF_{rd}} = \frac{\rho c_p V (T_{del} - T_{in})}{Q}$$

These equations can be combined to yield the following equation for converting Et and SL to UEF using the coefficient C_1, which is dependent upon the draw pattern applied during the UEF test, as provided in Table III.6.

$$\mathrm{UEF} = \frac{1}{1/E_t + C_1 SL}$$

TABLE III.6—COEFFICIENT FOR CONVERSION OF COMMERCIAL WATER HEATER RATINGS TO UEF

Draw pattern	C_1
Very Small	3.575×10^{-3}
Low	9.408×10^{-4}
Medium	6.500×10^{-4}
High	4.256×10^{-4}

As was done with consumer water heaters, DOE decided to account for unforeseen effects observed during testing by combining this analytical prediction with a regression of the predicted values of UEF to the measured UEF.

DOE seeks comments on the use of analytical methods to convert existing metrics to the ones described in the July 2014 test procedure final rule. This is identified as issue 2 in section V.E, ''Issues on Which DOE Seeks Comment.''

3. Empirical Regression

An alternative to the analytical approaches described in section III.C.2 is to develop empirical equations from measured metrics under the uniform efficiency descriptor test procedure to those obtained using the existing consumer and commercial water heater test procedures. This approach has the benefit of capturing the effects of factors that are not addressed in analytical models. The drawbacks of this approach are that it is susceptible to measurement errors and that it may not be easily extended to water heaters that were not part of the test program.

To derive the conversion factors from an empirical regression, DOE first used a step regression method. The step regression method produces a linear equation which uses a set of observed independent variables, such as storage volume, input rate, delivery capacity, recovery efficiency, energy factor, thermal efficiency, or standby loss, and seeks to mathematically derive an equation using these variables to relate to a set of observed dependent variables, such as new delivery capacity (under the updated test method) and UEF. The step regression method systematically recombines the set of independent variables to produce an equation for each possible set. Each set's equation is compared to the others and the equation with the best fit is chosen. This approach eliminates factors that are not significant in converting existing metrics to the new metrics. DOE also considered simpler regression forms to reduce confusion in converting from old metrics to new metrics and to ensure that the regressions were applicable over the broad range of water heaters available on the market. In these circumstances, DOE examined the deviations between measured values and predicted values from the correction equations. When those deviations were comparable, DOE opted for simplified models that would be expected to capture the major phenomena that would affect the new metrics. The regression tool found in the Analysis ToolPak of Microsoft Excel (2010) was used to calculate the equation for each set of independent variables.

As noted previously, because DOE has tentatively concluded that an empirical regression methodology would be more accurate than the analytical method described in section III.C.2 for determining first-hour rating for storage water heaters, DOE has proposed conversion factors for those metrics and product types based on the use of the empirical regression methodology. DOE seeks comment on the use of the regression method for the conversion factor analysis. This is identified as issue 3 in section V.E, ''Issues on Which DOE Seeks Comment.''

D. Testing Conducted for the Mathematical Conversion

1. Consumer Water Heater Testing

For its analysis of a mathematical conversion factor between the existing efficiency metrics and the uniform efficiency descriptor, DOE tested 43 consumer storage water heaters to both the existing and updated test procedures. Table III.7 and Table III.8

below summarize the units that have been tested. Table III.7 summarizes the units that have been tested according to heating type. Table III.8 provides an estimate of the distribution of those units across draw pattern categories by using their first-hour ratings under the current test (although it is acknowledged that the applied draw pattern for a particular water heater could change under the new first-hour rating test).

TABLE III.7—CONSUMER STORAGE WATER HEATER TEST DISTRIBUTION BY PRODUCT TYPE

Product type	Number of units tested
Gas-fired	22
Oil-fired	2
Electric	11
Heat Pump	6
Tabletop	2

TABLE III.8—CONSUMER STORAGE WATER HEATER TEST DISTRIBUTION BY DRAW PATTERN

Draw pattern *	Number of units tested
Very Small **	0
Low	3
Medium	27
High	13

* The draw pattern shown is based on the current rated values; actual draw patterns are dependent upon amended test procedure first-hour rating discussed in section III.C.1.

** No very small consumer storage water heaters covered under the existing test procedure were found on the market.

DOE also tested 22 consumer instantaneous water heaters to develop the mathematical conversion for these products. Table III.9 below summarizes the units that have been tested. Table III.10 provides an estimate of the distribution of those units across draw patterns by using their maximum GPM ratings under the current test (although it is acknowledged that the applied draw pattern for a particular water heater could change under the new maximum GPM test).

TABLE III.9—CONSUMER INSTANTANEOUS WATER HEATER TEST DISTRIBUTION BY PRODUCT TYPE

Product type	Number of units tested
Gas-fired *	17
Oil-fired **	0

TABLE III.9—CONSUMER INSTANTANEOUS WATER HEATER TEST DISTRIBUTION BY PRODUCT TYPE—Continued

Product type	Number of units tested
Electric	5

* Gas-fired water heaters include both natural gas and propane water heaters, as well as water heaters capable of using either natural gas or propane. DOE tested 10 natural gas water heaters, 1 propane water heaters, and 6 water heaters capable of using either natural gas or propane. Water heaters capable of using either fuel were tested with natural gas.

** No oil-fired consumer instantaneous water heaters were found to be on the market.

TABLE III.10—CONSUMER INSTANTANEOUS WATER HEATER TEST DISTRIBUTION BY DRAW PATTERN

Draw pattern *	Number of units tested
Very Small	5
Low	1
Medium	7
High	9

* Draw pattern profiles are based on the rated values; actual draw patterns are dependent upon tested value discussed in section III.C.1.

2. Residential-Duty Commercial Water Heater Testing

DOE tested 7 residential-duty commercial storage water heaters to develop the mathematical conversion for this equipment. Table III.11 summarizes the units that have been tested. A table showing the distribution of draw pattern within the residential-duty commercial water heater test list is not available, because commercial water heaters currently do not have first-hour ratings.

TABLE III.11—RESIDENTIAL-DUTY COMMERCIAL STORAGE WATER HEATER TEST DISTRIBUTION BY PRODUCT TYPE

Product type *	Number of units tested
Gas-fired	7
Oil-fired **	0

* Heat pump and tabletop water heaters were not found on the market and, therefore, were not tested.

** One oil-fired unit failed during testing.

As discussed in section III.B.2, DOE did not analyze a mathematical conversion for residential-duty commercial electric storage water heaters or residential-duty commercial instantaneous water heaters.

E. Testing Results and Analysis of Test Data

1. Impact of Certain Water Heater Attributes on Efficiency Ratings

After conducting testing on all of the selected water heaters according to both the existing test procedures and the uniform efficiency descriptor test procedure, DOE examined how particular attributes of water heaters might affect the conversion factors and investigated the approaches discussed in section III.C for obtaining conversion factors. The goal of this analysis was to determine whether or not particular attributes necessitated separate conversion equations. Separate conversions were created for subsets of the tested units based on water heater attributes such as NO_X emission level, short or tall configuration, vent type, standing pilot or electric ignition, if condensing or heat pump technology is used, and if the unit is tabletop. Additionally, conversion equations were also generated based on the full set of water heaters. To determine whether it was necessary to develop separate conversion factors for a particular attribute, the root-mean-square (RMS) of the difference between the measured values and the values obtained through various conversion methods was compared. The conversion approach with the lowest cumulative RMS value for a particular fuel type was considered to be the best candidate for the conversion equation.

The three levels of NO_X emissions currently available in water heaters on the market include standard (greater than or equal to 40 nanograms per joule (ng/J)), low (less than 40 ng/J and greater than or equal to 10 ng/J for storage water heaters and greater than or equal to 14 ng/J for instantaneous water heaters) and ultra-low (less than 10 ng/J for storage water heaters and less than 14 ng/J for instantaneous water heaters).

Most units that are short or tall have been labeled as such by the manufacturer; however, some units do not have this designation. DOE has found that some units labeled as small are actually taller than units labeled as tall. DOE is interested in how manufacturers determine whether a unit is short or tall. This is identified as issue 4 in section V.E, ''Issues on Which DOE Seeks Comment.''

The four venting configurations currently available in water heaters on the market include atmospheric, direct, power, and power-direct. Atmospheric and power vent units intake air from the area surrounding the water heater, while direct and power-direct vents intake air from outdoors. Atmospheric and direct

vent units use natural convection to circulate combustion air, while power and power-direct vents use some additional method to force circulation of combustion air. Concentric inlet and outlet piping is a unique configuration that can be used in directly venting water heaters to preheat incoming air using exhaust gas. For these tests, concentric inlet and outlet piping was not used; inlet air for the direct and power-direct vent units was delivered to the water heater in separate pipes from that used for exhaust. As these tests were conducted under identical controlled conditions, DOE determined that there is very little difference between atmospheric and direct vent water heaters and also between power and power-direct vent. For these reasons DOE has grouped atmospheric and direct into the atmospheric configuration and power and power-direct into the power configuration.

As an example of the process that was taken to examine the effect of these factors, Table III.12 shows the cumulative RMS values for the first-hour rating conversions for consumer storage water heaters. The rows in the table indicate how the conversion equations were separated out, and the columns provide the RMS for each class of consumer storage water heaters. For gas water heaters, these values show that the conversion approach that differentiates between condensing or non-condensing technology and between NO_X levels appears to provide the best approach considering its low RMS values. No other factors (*e.g.,* short vs. tall, vent type, pilot type) were shown to have any significance on the effectiveness of the conversion factor. For oil-fired water heaters and electric water heaters, the lowest RMS deviations occurred when all units of that fuel type were considered, indicating that separating the conversion equations by tank shape was not necessary. The findings presented here for first-hour rating conversions are consistent with those for UEF. From these results, DOE proposes to develop conversion equations for consumer storage water heaters based on fuel type, with the gas units being further differentiated by whether or not they are condensing units and by their NOx emissions level ratings.

For consumer instantaneous water heaters and residential-duty commercial water heaters, DOE found no dependence on factors such as condensing operation or vent type. Conversion factors for these classes of water heaters are, thus, based simply on fuel type.

TABLE III.12—FIRST-HOUR RATING RMS VALUES BY WATER HEATER ATTRIBUTE FOR CONSUMER WATER HEATERS

	Gas-fired	Oil-fired	Electric
All Units (All fuel types)	6.99	6.89	4.47.
All Units Short or Tall	6.87	5.79	3.67.
Fuel Type (Gas, Oil or Electric)	7.16	Not enough units.	3.88.
Fuel Type Short or Tall	6.91	No short units.	Not enough short units.
Fossil Fuel (Gas and Oil)	6.59	5.73	N/A.
Fossil Fuel Short or Tall	6.52	5.82	N/A.
Condensing or Non-Condensing	6.66	N/A	N/A.
NO_X Type (Standard, Low or Ultra Low)	4.61	N/A	N/A.
Vent Type (Atmospheric or Power)	5.53	N/A	N/A.
Standing Pilot or Electric Ignition	5.53	N/A	N/A.
Non-Condensing NO_X Type and Separate Condensing	3.98	N/A	N/A.
All Electric Types Separate	N/A	N/A	3.43.
Heat Pump Separate	N/A	N/A	3.59.

2. Conversion Factor Derivation

DOE used the methods described in section III.C to derive the mathematical conversion factor for the different types of water heaters covered within the scope of this rulemaking (as discussed in section III.B). This section describes the methodology that was applied to develop a conversion factor for each type of water heater.

a. Consumer Storage Water Heaters

i. Test Results

As stated in section III.D.1, DOE has conducted testing of 43 consumer storage water heaters using both the current and new test procedures. Table III.13 below presents the test data used to derive the consumer storage water heater conversion factors. Table III.14 shows the water heater attributes by unit described in section III.D.1.

TABLE III.13—CONSUMER STORAGE WATER HEATER TEST DATA

Unit No.	Type	Storage volume (gal)	Input rate (Btu/h)	Current FHR (gal)	Updated FHR (gal)	Current recovery efficiency (%)	EF	UEF
CS–1	Heat Pump	45.2	13,600	59.1	48.2	264.7	2.260	2.069
CS–2	Heat Pump	45.5	8,500	57.3	57.0	269.0	2.272	2.575
CS–3	Heat Pump	58.9	6,800	71.5	68.6	290.1	2.406	2.493
CS–4	Heat Pump	77.6	6,800	90.5	87.1	285.0	2.315	2.641
CS–5	Heat Pump	80.8	1,800	57.0	58.0	288.0	2.330	2.540
CS–6	Electric	36.2	15,400	54.0	49.7	98.0	0.941	0.905
CS–7	Electric	44.9	14,300	64.1	64.3	98.0	0.855	0.840
CS–8	Electric	46.1	14,000	64.8	61.7	98.0	0.901	0.919
CS–9	Electric	27.4	13,000	38.7	43.1	98.0	0.912	0.906
CS–10	Electric	34.1	14,000	50.7	52.0	98.0	0.902	0.907
CS–11	Electric	35.9	15,400	52.4	51.8	98.0	0.931	0.920

TABLE III.13—CONSUMER STORAGE WATER HEATER TEST DATA—Continued

Unit No.	Type	Storage volume (gal)	Input rate (Btu/h)	Current FHR (gal)	Updated FHR (gal)	Current recovery efficiency (%)	EF	UEF
CS–12	Electric	36.1	15,400	53.2	54.8	98.0	0.912	0.927
CS–13	Electric	44.9	15,400	64.9	59.4	98.0	0.960	0.926
CS–14	Electric	45.8	15,400	62.7	64.2	98.0	0.922	0.936
CS–15	Electric	49.7	18,800	68.5	73.2	98.0	0.924	0.940
CS–16	Electric	72.2	14,700	88.7	80.9	98.0	0.848	0.883
CS–17	Tabletop	25.7	15,400	37.5	45.3	98.0	0.905	0.857
CS–18	Tabletop	35.1	15,400	52.9	47.8	98.0	0.878	0.804
CS–19	Gas	38.4	39,800	67.0	81.1	80.5	0.601	0.630
CS–20	Gas	49.5	44,100	97.4	86.6	80.5	0.610	0.634
CS–21	Gas	37.8	39,700	70.1	86.9	83.8	0.608	0.641
CS–22	Gas	47.6	49,900	90.2	81.0	81.1	0.674	0.675
CS–23	Gas	37.9	39,400	74.4	81.6	80.3	0.691	0.705
CS–24	Gas	38.0	32,600	66.9	58.5	69.0	0.574	0.566
CS–25	Gas	38.0	39,800	80.2	63.8	83.6	0.711	0.669
CS–26	Gas	38.1	40,800	73.5	75.2	83.6	0.702	0.716
CS–27	Gas	38.2	39,300	71.9	77.6	77.4	0.607	0.635
CS–28	Gas	27.9	31,600	58.8	64.4	80.7	0.620	0.606
CS–29	Gas	38.1	40,200	74.7	70.6	80.5	0.622	0.569
CS–30	Gas	38.3	37,900	71.9	64.6	78.5	0.616	0.434
CS–31	Gas	47.3	50,600	95.1	87.0	78.8	0.606	0.640
CS–32	Gas	38.6	40,100	70.2	67.2	80.4	0.673	0.647
CS–33	Gas	38.9	32,400	68.6	65.2	78.1	0.666	0.624
CS–34	Gas	27.9	59,000	96.9	94.5	78.2	0.702	0.709
CS–35	Gas	38.5	36,000	66.0	68.0	85.0	0.699	0.670
CS–36	Gas	47.8	64,600	107.9	108.8	79.5	0.649	0.672
CS–37	Gas	45.7	39,800	91.0	84.8	96.3	0.830	0.828
CS–38	Gas	38.2	40,300	68.2	64.8	79.7	0.606	0.595
CS–39	Gas	38.2	38,300	71.3	64.6	75.2	0.625	0.596
CS–40	Gas	47.8	40,500	94.2	83.8	74.0	0.550	0.641
CS–41	Gas	48.1	36,000	92.4	88.2	81.4	0.631	0.662
CS–42	Oil	29.8	105,300	104.8	111.7	71.4	0.518	0.478
CS–43	Oil	30.1	105,300	112.5	127.4	89.4	0.605	0.641

TABLE III.14—CONSUMER STORAGE WATER HEATER ATTRIBUTES

Unit No.	NO_X emission level	Condensing	Vent type	Short or tall	Standing pilot or electric ignition
CS–1	N/A	N/A	N/A	N/A	N/A.
CS–2	N/A	N/A	N/A	N/A	N/A.
CS–3	N/A	N/A	N/A	N/A	N/A.
CS–4	N/A	N/A	N/A	N/A	N/A.
CS–5	N/A	N/A	N/A	N/A	N/A.
CS–6	N/A	N/A	N/A	Short	N/A.
CS–7	N/A	N/A	N/A	Short	N/A.
CS–8	N/A	N/A	N/A	Short	N/A.
CS–9	N/A	N/A	N/A	Tall	N/A.
CS–10	N/A	N/A	N/A	Tall	N/A.
CS–11	N/A	N/A	N/A	Tall	N/A.
CS–12	N/A	N/A	N/A	Tall	N/A.
CS–13	N/A	N/A	N/A	Tall	N/A.
CS–14	N/A	N/A	N/A	Tall	N/A.
CS–15	N/A	N/A	N/A	Tall	N/A.
CS–16	N/A	N/A	N/A	Tall	N/A.
CS–17	N/A	N/A	N/A	N/A	N/A.
CS–18	N/A	N/A	N/A	N/A	N/A.
CS–19	Standard	No	Atmospheric	Short	Yes.
CS–20	Standard	No	Atmospheric	Short	Yes.
CS–21	Standard	No	Atmospheric	Tall	Yes.
CS–22	Standard	No	Power	Tall	No.
CS–23	Low	No	Atmospheric	Short	No.
CS–24	Low	No	Atmospheric	Short	Yes.
CS–25	Low	No	Atmospheric	Tall	No.
CS–26	Low	No	Atmospheric	Tall	No.
CS–27	Low	No	Atmospheric	Tall	No.
CS–28	Low	No	Atmospheric	Tall	Yes.
CS–29	Low	No	Atmospheric	Tall	Yes.
CS–30	Low	No	Atmospheric	Tall	Yes.

TABLE III.14—CONSUMER STORAGE WATER HEATER ATTRIBUTES—Continued

Unit No.	NO_X emission level	Condensing	Vent type	Short or tall	Standing pilot or electric ignition
CS–31	Low	No	Atmospheric	Tall	Yes.
CS–32	Low	No	Power	Short	No.
CS–33	Low	No	Power	Short	No.
CS–34	Low	No	Power	Tall	No.
CS–35	Low	No	Power	Tall	No.
CS–36	Low	No	Power	Tall	No.
CS–37	Low	Yes	Power	Tall	No.
CS–38	Ultra-Low	No	Atmospheric	Short	Yes.
CS–39	Ultra-Low	No	Atmospheric	Short	Yes.
CS–40	Ultra-Low	No	Atmospheric	Tall	Yes.
CS–41	Ultra-Low	No	Atmospheric	Tall	Yes.
CS–42	N/A	N/A	N/A	Tall	N/A.
CS–43	N/A	N/A	N/A	Tall	N/A.

ii. Conversion Factor Results

For consumer storage water heaters, DOE proposes to use the regression method described in section III.C.3 to develop new first hour ratings. Of the factors considered, DOE found that the existing first hour rating was the best overall predictor of the new first hour rating. These findings were based on the root mean squared errors between predictions and measured values. In some cases, addition of other factors in the regressions (*e.g.,* input rate, storage volume) led to predictions with slightly better RMS values, but DOE chose to be consistent in its formulations by using the same factor, existing first hour ratings. In these cases, DOE found that addition of extra terms improved the RMS value by less than 1 gallon, so it tentatively concluded that the added potential for confusion is not warranted. The resulting equations for determining the FHR_{new} of consumer storage water heaters are:

$$New\ FHR_{Gas,Non\text{-}Condensing,Standard\ NOx} = 1.0085 * FHR_{Ex}$$

$$New\ FHR_{Gas,Non\text{-}Condensing,Low\ NOx} = 4.6894 + 0.9112 * FHR_{Ex}$$

$$New\ FHR_{Gas,Non\text{-}Condensing,Ultra\text{–}Low\ NOx} = 2.9267 + 0.8882 * FHR_{Ex}$$

$$New\ FHR_{Gas,Condensing} = -0.7072 + 0.9724 * FHR_{Ex}$$

$$New\ FHR_{Oil} = 1.1018 * FHR_{Ex}$$

$$New\ FHR_{Electric,Conventional\&Tabletop} = 11.9239 + 0.7879 * FHR_{Ex}$$

$$New\ FHR_{Electric,Heat\ Pump} = -2.3440 + 0.9856 * FHR_{Ex}$$

where FHR_{new} is the new first hour rating, FHR_{ex} is the existing first hour rating, and the slope and intercept are constants obtained from a linear regression. While most of the data allowed for such a regression fit, in two cases (oil, non-condensing gas with standard level NO_X burners) the available data were too limited to produce reliable regressions. In these cases, the intercepts of the regressions were assigned a value of zero, meaning that a water heater with an FHR_{ex} of zero would also have an FHR_{new} of zero.

The next step in the conversion is to determine which draw pattern is to be applied to convert from EF to UEF. After the first-hour rating under the uniform efficiency descriptor is determined through the conversion factor above, the value can be applied to determine the appropriate draw pattern bin (*i.e.,* very small, low, medium, or high) using Table III.3 of this NOPR or Table 1 of the uniform efficiency descriptor test procedure. 79 FR 40542, 40572 (July 11, 2014). With the draw bin known, the UEF value based on the WHAM analytical model can be calculated using the process described in section III.C.2.c.i for all types except for heat pump water heaters. Alternatively, DOE investigated the step regression approach described in section III.C.3 to convert EF to UEF. DOE found that a third technique, a combination of these approaches in which the results of the WHAM analytical model are used as the independent variable in a standard linear regression analysis, produced the best results. Separate conversion equations were developed for the same categories as used for first-hour rating. The results of the first-hour regression, the WHAM analytical model, the step regression model, and the combined WHAM-regression model are presented below in Table III.16. The RMS errors for the classes range from 0.0014 to 0.0495 when using a combined WHAM-regression model. For heat pump water heaters, a linear regression in which the UEF is estimated solely from the existing EF results in an RMS error of 0.187. Considering the larger magnitude of UEFs for heat pump water heaters, DOE has tentatively concluded that this relatively high RMS error is acceptable for heat pump water heaters. DOE has, therefore, tentatively decided to use the combined WHAM-regression approach to calculate the consumer storage water heater conversion factor for non-heat pump water heaters and to apply a regression that relates UEF to EF for heat pump water heaters. The WHAM-regression approach accounts for the test procedure changes in terms of daily volume delivered and storage tank temperature, and it corrects for the unaccounted changes using a regression with actual test data. Because the data are not believed to be publicly available to compute the WHAM estimate for heat pump water heaters, DOE proposes to base this conversion on an empirical regression. The resulting equations for determining the UEF of consumer storage water heaters are:

$$UEF_{WHAM} = \left[\frac{1}{\eta_r} + \left(\frac{1}{EF} - \frac{1}{\eta_r}\right)\left(\frac{a\,P\,\eta_r - b}{c\,P\,\eta_r - d}\right)\right]^{-1}$$

$$UEF_{Gas,Non\text{-}Condensing,Standard\ NO_x} = 0.2726 * UEF_{WHAM} + 0.4736$$

$$UEF_{Gas,Non\text{-}Condensing,Low\ NO_x} = 0.9966 * UEF_{WHAM} - 0.0126$$

$$UEF_{Gas,Non\text{-}Condensing,Ultra\text{-}Low\ NO_x} = 0.5811 * UEF_{WHAM} + 0.2673$$

$UEF_{Gas,Condensing} = 0.9164 * UEF_{WHAM} + 0.0409$

$UEF_{Oil} = 1.1185 * UEF_{WHAM} - 0.0945$

$UEF_{Electric,Conventional\&Tabletop} = 0.8673 * UEF_{WHAM} + 0.1227$

$UEF_{Electric,Heat\ Pump} = 1.5485 * EF - 1.1235$

where UEF_{WHAM} is the conversion factor calculated using the WHAM analytical model and the coefficient values shown in Table III.15, P is the nameplate input rate in Btu/h, and η_r is the recovery efficiency expressed in decimal form (*e.g.,* 0.98 instead of 98 [%]).

TABLE III.15—COEFFICIENTS FOR WHAM-BASED UEF CONVERSION FACTOR

Draw bin	a	b	c	d
Very Small	56095146	12884892499	8930623	15125743368
Low	56095146	48962591496	33936368	57477824799
Medium	56095146	70866908744	49118427	83191588525
High	56095146	108233096990	75017235	127056244293

TABLE III.16—CONSUMER STORAGE WATER HEATER CONVERSION FACTOR RESULTS

Unit No.	Tested FHR (gal)	Regression FHR (gal)	Tested UEF	WHAM UEF	Regression UEF	WHAM-Regression UEF
CS–1	48.2	55.9	2.069	2.209	2.375	2.384
CS–2	57.0	54.1	2.575	2.215	2.395	2.391
CS–3	68.6	68.1	2.493	2.339	2.603	2.525
CS–4	87.1	86.9	2.641	2.435	2.461	2.630
CS–5	58.0	53.8	2.540	2.213	2.484	2.388
CS–6	49.7	54.4	0.905	0.935	0.930	0.933
CS–7	64.3	62.4	0.840	0.836	0.875	0.847
CS–8	61.7	62.9	0.919	0.888	0.904	0.893
CS–9	43.1	42.4	0.906	0.866	0.911	0.874
CS–10	52.0	51.8	0.907	0.888	0.905	0.893
CS–11	51.8	53.2	0.920	0.923	0.923	0.923
CS–12	54.8	53.9	0.927	0.901	0.911	0.904
CS–13	59.4	63.0	0.926	0.956	0.941	0.952
CS–14	64.2	61.4	0.936	0.912	0.917	0.914
CS–15	73.2	65.9	0.940	0.915	0.919	0.916
CS–16	80.9	81.8	0.883	0.880	0.871	0.885
CS–17	45.3	41.5	0.857	0.855	0.896	0.864
CS–18	47.8	53.6	0.804	0.862	0.873	0.870
CS–19	81.1	67.5	0.630	0.578	0.632	0.631
CS–20	86.6	98.3	0.634	0.651	0.637	0.651
CS–21	86.9	70.7	0.641	0.583	0.636	0.632
CS–22	81.0	91.0	0.675	0.705	0.675	0.666
CS–23	81.6	72.5	0.705	0.676	0.683	0.661
CS–24	58.5	65.6	0.566	0.558	0.571	0.544
CS–25	63.8	77.8	0.669	0.739	0.702	0.724
CS–26	75.2	71.6	0.716	0.685	0.694	0.670
CS–27	77.6	70.2	0.635	0.587	0.603	0.572
CS–28	64.4	58.3	0.606	0.598	0.616	0.583
CS–29	70.6	72.8	0.569	0.600	0.617	0.585
CS–30	64.6	70.2	0.434	0.595	0.611	0.580
CS–31	87.0	91.4	0.640	0.645	0.602	0.630
CS–32	67.2	68.6	0.647	0.656	0.666	0.641
CS–33	65.2	67.2	0.624	0.651	0.660	0.636
CS–34	94.5	93.0	0.709	0.721	0.694	0.706
CS–35	68.0	64.8	0.670	0.679	0.690	0.664
CS–36	108.8	103.0	0.672	0.681	0.643	0.666
CS–37	84.8	87.8	0.828	0.861	0.824	0.830
CS–38	64.8	63.5	0.595	0.583	0.592	0.606
CS–39	64.6	66.3	0.596	0.609	0.599	0.621
CS–40	83.8	86.6	0.641	0.589	0.653	0.610
CS–41	88.2	85.0	0.662	0.670	0.649	0.656
CS–42	111.7	115.5	0.478	0.557	0.537	0.529
CS–43	127.4	123.9	0.641	0.659	0.613	0.643

b. Consumer Instantaneous

i. Test Results

As stated in section III.D.1, DOE has tested 22 consumer instantaneous water heaters to both the current and new test procedures. Table III.17 presents the test data used to derive the consumer instantaneous water heater conversion factors. It is noted that test results show measured recovery efficiencies above 100 percent and EFs and UEFs above 1 for electric instantaneous units; DOE acknowledges that these results appear to violate theoretical limits and believes that these results are an artifact of measurement uncertainty. Table III.18 shows the water heater attributes by unit described in section III.D.1.

TABLE III.17—CONSUMER INSTANTANEOUS WATER HEATER TEST DATA

Unit No.	Type	Input rate (Btu/h)	Current max GPM	Updated max GPM	Current recovery efficiency (%)	EF	UEF
CI–1	Electric	8,200	0.20	0.23	101.2	1.012	0.982
CI–2	Electric	32,400	0.82	0.93	101.5	1.017	0.981
CI–3	Electric	34,100	0.87	0.99	101.8	1.018	1.001
CI–4	Electric	27,300	0.68	0.80	102.0	1.019	1.004
CI–5	Electric	20,500	0.52	0.59	102.3	1.021	1.005
CI–6	Gas	179,900	4.01	4.58	82.4	0.821	0.832
CI–7	Gas	178,500	4.08	4.71	83.8	0.837	0.828
CI–8	Gas	120,900	2.69	3.07	84.1	0.839	0.814
CI–9	Gas	199,000	4.61	4.86	87.0	0.876	0.841
CI–10	Gas	151,900	3.47	3.96	88.3	0.891	0.815
CI–11	Gas	141,100	3.11	3.61	81.4	0.810	0.824
CI–12	Gas	190,400	4.23	4.81	83.4	0.829	0.818
CI–13	Gas	142,500	2.96	3.43	80.9	0.801	0.795
CI–14	Gas	197,200	5.19	5.80	96.7	0.966	0.958
CI–15	Gas	199,800	4.80	4.10	93.8	0.932	0.931
CI–16	Gas	151,500	3.24	3.88	84.3	0.837	0.805
CI–17	Gas	180,400	3.92	4.60	85.0	0.853	0.827
CI–18	Gas	175,800	3.67	4.30	84.5	0.838	0.830
CI–19	Gas	199,200	4.30	5.07	75.0	0.743	0.799
CI–20	Gas	154,100	3.98	4.47	91.6	0.913	0.922
CI–21	Gas	201,300	4.90	5.70	88.0	0.851	0.884
CI–22	Gas	199,900	5.12	4.91	89.9	0.888	0.943

TABLE III.18—CONSUMER INSTANTANEOUS WATER HEATER ATTRIBUTES

Unit No.	NO_X emission level	Condensing	Vent type
CI–1	N/A	N/A	N/A.
CI–2	N/A	N/A	N/A.
CI–3	N/A	N/A	N/A.
CI–4	N/A	N/A	N/A.
CI–5	N/A	N/A	N/A.
CI–6	Low	No	Atmospheric.
CI–7	Low	No	Atmospheric.
CI–8	Low	No	Atmospheric.
CI–9	Low	No	Atmospheric.
CI–10	Low	No	Atmospheric.
CI–11	Low	No	Power.
CI–12	Low	No	Power.
CI–13	Low	No	Power.
CI–14	Low	Yes	Atmospheric.
CI–15	Low	Yes	Atmospheric.
CI–16	Ultra-Low	No	Atmospheric.
CI–17	Ultra-Low	No	Atmospheric.
CI–18	Ultra-Low	No	Atmospheric.
CI–19	Ultra-Low	No	Atmospheric.
CI–20	Ultra-Low	Yes	Atmospheric.
CI–21	Ultra-Low	Yes	Atmospheric.
CI–22	Ultra-Low	Yes	Power.

ii. Conversion Factor Results

As stated in section III.C.2, DOE developed an analytical model to convert the existing maximum GPM rating for consumer instantaneous water heaters to ratings under the uniform efficiency descriptor test procedure. DOE also attempted to develop an analytical method based on the WHAM equation to estimate the change in existing energy factor ratings under the existing consumer water heater test procedure to values under the uniform efficiency descriptor test procedure. Along with this analytical model, step regression and combined analytical model-regression approaches were conducted. The results of the analytical model, step regression, and combined analytical model-regression approaches for the maximum GPM and UEF conversions are presented in Table III.20. For the maximum GPM conversions, the RMS errors for the three approaches are 0.38, 0.35, and 0.38, respectively. For the UEF conversions, the three approaches have RMS errors of 0.024, 0.028, and 0.023, respectively. DOE has tentatively decided to use the analytical model approach to calculate the consumer instantaneous maximum GPM conversion factor owing to the fact that the model predicts the resultant data very closely and that it will broadly apply to those units not tested. DOE has also tentatively decided to use the combined analytical model-regression approach to convert from EF to UEF since the RMS errors are low, and it has tentatively concluded that the use of the model and regression will capture key

effects that may not be captured with either approach by itself. For the electric instantaneous water heaters, DOE imposed a zero intercept on the regression since the regression with an intercept resulted in UEFs above the theoretical limit of 1. DOE has tentatively concluded that this step is technically acceptable, as it effectively states that a water heater with an EF of zero should also have a UEF of zero. The resulting conversion factors for both first hour rating and UEF are:

$MaxGPM_{new} = 1.147 * MaxGPM_{Ex}$

$UEF_{gas} = 0.9059 * UEF_{model} + 0.0783$

$UEF_{electric} = 1.0079 * UEF_{model}$

where $MaxGPM_{Ex}$ is the maximum GPM rating based on the current DOE test procedure and UEF_{model} is the predicted UEF determined using the following analytical model:

$$UEF_{model} = \frac{A}{A/\eta_r + B}$$

Values for the coefficients A and B are dependent upon the draw pattern applied during the simulated-use test and are provided in Table III.19.

TABLE III.19—COEFFICIENTS TO DETERMINE UEF_{model} FOR CONSUMER INSTANTANEOUS WATER HEATERS

Draw bin	A	B
Very Small	5514.2	170.2
Low	20954	262.4
Medium	30328	290.9
High	46319	294.0

TABLE III.20—CONSUMER INSTANTANEOUS WATER HEATER CONVERSION FACTOR RESULTS

Unit No.	Tested max GPM	Analytical max GPM	Regression max GPM	Combined analytical-regression max GPM	Tested UEF	Analytical UEF	Regression UEF	Analytical-regression UEF
CI–1	0.23	0.23	0.24	0.23	0.982	0.982	0.980	0.989
CI–2	0.93	0.94	0.94	0.94	0.981	0.984	0.987	0.992
CI–3	0.99	1.00	1.00	1.00	1.001	0.987	0.995	0.995
CI–4	0.80	0.78	0.78	0.78	1.004	0.989	1.001	0.997
CI–5	0.59	0.59	0.60	0.59	1.005	0.991	1.008	0.999
CI–6	4.58	4.60	4.58	4.60	0.832	0.820	0.816	0.820
CI–7	4.71	4.68	4.66	4.68	0.828	0.834	0.829	0.833
CI–8	3.07	3.08	3.17	3.08	0.814	0.834	0.830	0.834
CI–9	4.86	5.28	5.22	5.28	0.841	0.865	0.859	0.861
CI–10	3.96	3.98	4.01	3.98	0.815	0.878	0.871	0.873
CI–11	3.61	3.56	3.62	3.56	0.824	0.808	0.807	0.810
CI–12	4.81	4.85	4.82	4.85	0.818	0.829	0.822	0.829
CI–13	3.43	3.39	3.46	3.39	0.795	0.803	0.800	0.805
CI–14	5.80	5.95	5.84	5.95	0.958	0.961	0.931	0.948
CI–15	4.10	5.50	5.43	5.50	0.931	0.933	0.904	0.923
CI–16	3.88	3.71	3.76	3.71	0.805	0.836	0.829	0.835
CI–17	4.60	4.49	4.49	4.49	0.827	0.845	0.841	0.844
CI–18	4.30	4.21	4.22	4.21	0.830	0.840	0.829	0.839
CI–19	5.07	4.93	4.90	4.93	0.799	0.746	0.754	0.754
CI–20	4.47	4.56	4.55	4.56	0.922	0.911	0.889	0.903
CI–21	5.70	5.62	5.54	5.62	0.884	0.875	0.840	0.870
CI–22	4.91	5.87	5.77	5.87	0.943	0.894	0.869	0.887

c. Residential-Duty Commercial Storage Testing

i. Test Data

As stated in section III.D.2, DOE has tested 7 residential-duty commercial storage water heaters to both the current and new test procedures. Table III.21 below presents the test data used to derive the residential-duty commercial storage water heater conversion factors. Table III.22 shows the water heater attributes by unit described in section III.D.2.

TABLE III.21—RESIDENTIAL-DUTY COMMERCIAL STORAGE WATER HEATER TEST DATA

Unit No.	Type	Storage volume (gal)	Input rate (Btu/h)	Tested thermal efficiency (%)	Tested standby loss (Btu/h)	Updated FHR (gal)	UEF
RD–1	Gas	95.4	79,100	80.4	1,178.2	109.8	0.514
RD–2	Gas	72.7	67,400	67.9	721.0	90.3	0.585
RD–3	Gas	71.3	69,700	75.5	839.4	119.3	0.619
RD–4	Gas	48.3	76,500	93.6	328.0	137.0	0.816
RD–5	Gas	48.4	75,300	88.9	338.1	126.5	0.725
RD–6	Gas	47.8	75,700	90.0	358.4	103.3	0.621
RD–7	Gas	71.0	63,800	67.1	1,546.8	111.5	0.470

TABLE III.22—RESIDENTIAL-DUTY COMMERCIAL STORAGE WATER HEATER ATTRIBUTES

Unit No.	NO_X emission level	Condensing	Vent type	Short or tall	Standing pilot or electric ignition
RD–1	Standard	No	Atmospheric	Tall	Yes.
RD–2	Standard	No	Power	Tall	No.
RD–3	Standard	No	Power	Tall	No.
RD–4	Low	Yes	Atmospheric	Short	No.
RD–5	Low	Yes	Power	Tall	No.
RD–6	Low	Yes	Power	Tall	No.
RD–7	Ultra-Low	No	Atmospheric	Tall	Yes.

ii. Conversion Factor Results

As stated in section III.C.2.b, DOE is not aware of an analytical model to convert the thermal efficiency and standby loss ratings under the current test procedure to first-hour rating values under the new test procedure. Therefore, the step regression method described in section III.C.3 along with the best combination of water heater attributes were used to determine the following first-hour rating conversion factors:

$$New\ FHR_{Fossil\ Fuel} = 1.0226 * Q + 39.81$$

Where Q is the input rate of the burner in kBtu/h. For this regression, DOE decided to group both oil and gas water heaters because of the lack of oil water heaters identified. DOE has tentatively concluded that this grouping is the best approach to convert ratings for any residential-duty oil water heater on the market.

The next step in the conversion is to determine which draw pattern is to be applied to convert to UEF. After the first-hour rating under the uniform efficiency descriptor is determined through the conversion factor above, the value can be applied to determine the appropriate draw pattern bin (*i.e.,* very small, low, medium, or high) using Table III.3 of this NOPR or Table 1 of the uniform efficiency descriptor test procedure. 79 FR 40542, 40572 (July 11, 2014). With the draw bin known, the UEF value based on the analytical model can be calculated using the process described in section III.C.2.c.iii. The analytical results, along with the results of the step regression and analytical-regression are shown in Table III.23 and have RMS values of 0.074, 0.055, and 0.053, respectively. Based on these results, DOE has tentatively decided to use the combined analytical-regression approach to calculate the residential-duty commercial storage water heater conversion factor. While the regression approach yields a slightly better RMS error, DOE has tentatively concluded that the use of the analytical model will make the conversion more robust over the entire family of residential-duty commercial storage water heaters since it captures the effects of water temperature, draw volume per day, thermal efficiency, and standby loss that are expected to be valid for any water heater. Thus, the use of an analytical model is expected to be less prone to error should a model have some unexpected characteristic that was not captured in the water heaters tested as part of this NOPR. The resulting equations for determining the UEF of consumer storage water heaters are:

$$UEF_{fossil\ fuel} = 0.7300 * UEF_{rd} + 0.1413$$

Where UEF_{rd} is the estimate of the UEF for residential-duty water heaters computed with the following equation:

$$UEF_{rd} = \frac{1}{1/E_t + C_1 SL}$$

where C_1 is a constant dependent upon the draw pattern given in Table III.6, E_t is the thermal efficiency in fractional form (*i.e.,* 0.85 instead of 85 (%)), and SL is the standby loss in BTU/h.

TABLE III.23—RESIDENTIAL-DUTY COMMERCIAL CONVERSION FACTOR RESULTS

Unit No.	Tested FHR (gal)	Regression FHR (gal)	Tested UEF	Analytical UEF	Regression UEF	Analytical-regression UEF
RD–1	109.8	120.7	0.514	0.573	0.530	0.560
RD–2	90.3	108.8	0.585	0.562	0.629	0.551
RD–3	119.3	111.1	0.619	0.595	0.604	0.575
RD–4	137.0	118.0	0.816	0.828	0.715	0.746
RD–5	126.5	116.9	0.725	0.788	0.713	0.717
RD–6	103.3	117.3	0.621	0.791	0.709	0.719
RD–7	111.5	105.0	0.470	0.466	0.449	0.481

d. Residential-Duty Instantaneous Testing

As discussed in section III.B.2, no instantaneous residential-duty commercial water heaters exist on the market. Therefore, a conversion factor is not needed.

3. Energy Conservation Standard Derivation

After developing the mathematical conversion factors to convert from the existing efficiency ratings to the efficiency ratings under the UEF metric, DOE sought to update its energy conservation standards for covered water heater products so as to be in terms of UEF. DOE investigated several possible methods to determine the appropriate energy conservation standards in terms of UEF.

First, DOE considered the ''percent difference'' method, which is the method DOE ultimately has proposed for updating the energy conservation standards so as to be based on the UEF metric. The percent difference method was conducted as follows:

1. Apply conversion factor to convert the current efficiency metrics provided in the relevant consumer or commercial database to the calculated UEF value for each water heater on the market.

2. Calculate the current efficiency standard for each water heater in the database, as follows:

a. For consumer water heaters, find the minimum EF.

b. For residential-duty commercial water heaters, find the minimum thermal efficiency.

3. Find the percent difference between the rated efficiency value and the standard for each water heater in the database, as follows:

a. For consumer water heaters, $Percent\ Difference = \frac{E_f - E_{f,min}}{E_f} = PD$

b. For residential-duty commercial water heaters, $PD = \left(\frac{TE - TE_{min}}{TE}\right)/2$

4. Find the new energy conservation standard for each water heater in the database, as follows:

a. $UEF_{min} = UEF\ (1 - PD)$

5. Find a line through their minimum UEF values.

The advantage of using a ''percent difference'' is that the updated energy conservation standard is a function of the UEF conversion for all water heaters rather than a subset. It also allows for conversions of standards for classes or groupings of water heaters where no minimally compliant models are currently available on the market. The proposed standards in terms of uniform energy factor are shown below by product class and draw pattern.

TABLE III.24—UPDATED CONSUMER WATER HEATER ENERGY CONSERVATION STANDARDS

Product class	Rated storage volume	Draw pattern	Uniform energy factor
Gas-fired Storage	≥20 gal and ≤55 gal	Very Small	0.3263 − (0.0019 × V_r)
		Low	0.5891 − (0.0019 × V_r)
		Medium	0.6326 − (0.0013 × V_r)
		High	0.7128 − (0.0025 × V_r)
	>55 gal and ≤100 gal	Very Small	0.5352 − (0.0007 × V_r)
		Low	0.7375 − (0.0009 × V_r)
		Medium	0.7704 − (0.0010 × V_r)
		High	0.7980 − (0.0010 × V_r)
Oil-fired Storage	≤50 gal	Very Small	0.2267 − (0.0014 × V_r)
		Low	0.4867 − (0.0006 × V_r)
		Medium	0.6016 − (0.0012 × V_r)
		High	0.6529 − (0.0005 × V_r)
Electric Storage	≥20 gal and ≤55 gal	Very Small	0.8268 − (0.0002 × V_r)
		Low	0.9393 − (0.0004 × V_r)
		Medium	0.9683 − (0.0007 × V_r)
		High	0.9656 − (0.0004 × V_r)
	>55 gal and ≤120 gal	Very Small	1.2701 − (0.0011 × V_r)
		Low	1.9137 − (0.0011 × V_r)
		Medium	2.0326 − (0.0011 × V_r)
		High	2.1858 − (0.0011 × V_r)
Tabletop Storage	≥20 gal and ≤100 gal	Very Small	0.6808 − (0.0022 × V_r)
		Low	0.8770 − (0.0012 × V_r)
		Medium	0.9063 − (0.0009 × V_r)
		High	0.9302 − (0.0006 × V_r)
Gas-fired Instantaneous	<2 gal	All	0.8036 − (0.0019 × V_r)
Electric Instantaneous	<2 gal	All	0.9192 − (0.0013 × V_r)

* V_r is the rated storage volume which equals the water storage capacity of a water heater (in gallons), as specified by the manufacturer.

TABLE III.25—UPDATED RESIDENTIAL-DUTY COMMERCIAL WATER HEATER ENERGY CONSERVATION STANDARDS

Product class	Draw pattern	Uniform energy factor
Gas-fired Storage	Very Small	0.3261 − (0.0006 × V_r)
	Low	0.5219 − (0.0008 × V_r)
	Medium	0.5585 − (0.0006 × V_r)
	High	0.6044 − (0.0005 × V_r)
Oil-fired Storage	Very Small	0.3206 − (0.0006 × V_r)
	Low	0.5577 − (0.0019 × V_r)
	Medium	0.6027 − (0.0019 × V_r)
	High	0.6446 − (0.0018 × V_r)

* V_r is the rated storage volume which equals the water storage capacity of a water heater (in gallons), as specified by the manufacturer.

As stated in section III.A, EEI commented in response to the November 2013 NOPR, that the updated energy conservation standards should be not more stringent than they are currently. The percent difference from the current rated energy factors and energy conservation standards are used to derive the new energy conservation

standards; therefore, the updated standards are no more stringent than those currently in existence. A.O. Smith and AHRI suggested that the average difference between the current and new ratings should not be used to convert the energy conservation standards. At no point in the conversion factor derivation or energy conservation standard analysis is a simple average taken, but rather, the trends of all the traditional factors affecting water heaters are considered.

DOE also investigated a second method of determining the energy conservation standards where only test data from minimally-compliant water heaters would be used to develop a conversion factor using the analytical and regression methods described in section III.C. Then, this set of conversion factors could be applied to the minimum energy conservation standards to determine the appropriate energy conservation standards in terms of the UEF metric. This method would remove from consideration any factors that are present in more-efficient water heaters, so the resulting change in the standard would not be skewed at all by the inclusion of higher-efficiency products in the mathematical conversion. However, the conversion factors developed through such a methodology would potentially not be applicable for converting the efficiency ratings of products above the baseline. Therefore, DOE chose to pursue a methodology that was applicable to all water heaters and perform the conversion of standards based on the ''percent difference'' method described above.

DOE seeks comment on the most appropriate method for determining the energy conservation standards based on the updated test procedure. This is identified as issue 5 in section V.E, ''Issues on Which DOE Seeks Comment.''

F. Certification and Labeling Issues

Consumer water heaters and residential-duty commercial water heaters manufactured prior to the effective date of the uniform energy factor test procedure final rule (*i.e.,* July 13, 2015) that comply with the efficiency standards and labeling requirements in effect prior to that final rule will be considered to comply with the converted UEF standards and with any revised labeling requirements established by the Federal Trade Commission (FTC) to carry out the final rule. (42 U.S.C. 6295(e)(5)(K)) The statute requires that the standard be in terms of UEF as of July 13, 2015. Accordingly, DOE proposes to require manufacturers to provide EF and UEF for consumer water heaters (or thermal efficiency and standby loss and UEF for commercial residential-duty water heaters) in certification reports filed between July 13, 2015, and the compliance date determined by the final rule in this rulemaking. Manufacturers would not be required to submit revised certification reports for previously certified basic models until the next annual certification date (May 1).

Allowing manufacturers to submit both EF and UEF data would allow manufacturers to fulfill the statutory requirement to begin using UEF for purposes of compliance with standards but would also allow manufacturers to provide the necessary information to determine costs under the current FTC labeling requirements. This would also allow a transition period for FTC to pursue a rulemaking to determine whether changes are needed to the water heater EnergyGuide label due to changes in the water heater test procedure. DOE expects that the conversion factors proposed in this notice could be used to convert EF to UEF for previously certified basic models or to convert UEF values ''backwards'' to EF to determine the appropriate costs for labeling of new basic models until FTC has determined whether to make changes to the label. DOE has proposed a methodology for calculating costs based on UEF testing that could be used in future FTC labeling requirements. DOE requests comment on whether DOE should adopt such a provision in the final rule in this rulemaking or postpone adoption until FTC has had an opportunity to evaluate the ENERGY GUIDE label.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

This proposed rule would prescribe a mathematical conversion that would be used to determine compliance with energy conservation standards for consumer water heaters and certain commercial water heaters. For consumer water heaters and certain commercial water heaters, the mathematical conversion would establish a bridge between the rated values based on the results under the current test procedures and the uniform efficiency descriptor of the new test procedure. Furthermore, the conversion factor will ensure that no products which currently pass energy conservation standards fail to meet the energy conservation standards after the conversion factor has been applied. DOE reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. 68 FR 7990.

For the manufacturers of the covered water heater products, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30836, 30849 (May 15, 2000), as amended at 65 FR 53533, 53545 (Sept. 5, 2000) and at 77 FR 49991, 50008–11 (August 20, 2012) and codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/content/table-small-business-size-standards.* Consumer water heater manufacturing is classified under NAICS code 335228—''Other Major Household Appliance Manufacturing.'' The SBA sets a threshold of 500 employees or less for an entity to be considered as a small business. Commercial water heater manufacturing is classified under NAICS code 333318—''Other

Commercial and Service Industry Machinery Manufacturing,'' for which SBA sets a size threshold of 1,000 employees or fewer as being considered a small business.

DOE has identified 19 manufacturers of consumer water heaters (including manufacturers of products that fall under the expanded scope) that can be considered small businesses. DOE identified seven manufacturers of ''residential-duty'' commercial water heaters that can be considered small businesses. Six of the ''residential-duty'' commercial water heater manufacturers also manufacture consumer water heaters, so the total number of water heater manufacturers impacted by this rule would be 20. DOE's research involved reviewing several industry trade association membership directories (*e.g.,* AHRI), product databases (*e.g.,* AHRI, CEC, and ENERGY STAR databases), individual company Web sites, and marketing research tools (*e.g.,* Hoovers reports) to create a list of all domestic small business manufacturers of products covered by this rulemaking.

For the reasons explained below, DOE has concluded that the test procedure amendments contained in this proposed rule would not have a significant economic impact on any manufacturer, including small manufacturers.

For consumer water heaters that were covered under the old test procedure and energy conservation standards, the conversion factor in this proposed rule would convert the rated values based on the current test procedure to equivalent values based on the new uniform descriptor test procedure. Although the energy conservation standards for consumer water heaters will be denominated using the uniform descriptor, the statute provides that all units that are on the market as of July 13, 2015, that meet the April 16, 2015 energy factor standard will be deemed to meet the converted standards.

For certain commercial water heaters, defined under the term ''residential-duty commercial water heater,'' the conversion factor in this proposed rule would convert the rated values based on the current test procedure to the uniform descriptor which is based on the new test procedure. The energy conservation standards for commercial water heating equipment will be denominated using the uniform descriptor. The statute provides that all units that are on the market as of July 13, 2015, that meet the thermal efficiency and standby losses standards will be deemed to meet the converted standards.

At the date that compliance is required with the new test procedure, all water heating units with residential applications (*i.e.,* consumer units and residential-duty commercial units) must meet the applicable energy conservation standards. These units will be re-rated to the uniform descriptor based on the new test procedure. This conversion will not result in any increase in stringency of the energy conservation standards. Therefore, no units that are on the market at the time of this rulemaking will be made illegal (noncompliant) by this action.

Accordingly, DOE concludes and certifies that this final rule would not have a significant economic impact on a substantial number of small entities, so DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE will provide its certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of water heaters must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for water heaters, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including consumer and commercial water heaters. 76 FR 12422 (March 7, 2011); 79 FR 25486 (May 5, 2014). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the 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 PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE proposes conversion factors to convert results from existing efficiency and delivery capacity metrics (and related energy conservation standard requirements) for consumer and certain commercial water heaters to the uniform energy descriptor. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this proposed rule would amend the existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE

for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. (This policy is also available at *http://energy.gov/gc/office-general-counsel.*) DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), DOE has determined that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action, which would develop a conversion factor to amend the energy conservation standards for consumer and certain commercial water heaters in light of new test procedures is not a significant regulatory action under Executive Order 12866 or any successor order. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects for this rulemaking.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101 *et seq.*), DOE must comply with all laws applicable to the former Federal Energy Administration, including section 32 of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70). (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part

that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

This proposed rule to implement conversion factors between the existing water heaters test procedure and the amended test procedure does not incorporate testing methods contained in commercial standards.

V. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or mail. Comments and documents submitted via email, hand delivery/courier, or mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

B. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. Has DOE identified all of the water heaters requiring a conversion from the old test procedures for consumer and commercial water heaters to the new test procedure for the uniform test method for measuring the energy consumption of water heaters?

2. Are the proposed analytical methods appropriate for the conversion factor analysis?

3. Is the proposed regression method appropriate for the conversion factor analysis?

4. How do manufacturers specify whether a water heater is short or tall? Is there any criteria that could be applied to compare short and tall designs across all manufacturers?

5. Is the proposed percentage difference method appropriate for the derivation of energy conservation

standards based on the updated test procedure?

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

10 CFR Part 431

Administrative practice and procedure, Confidential business information, Test procedures, Incorporation by reference, Reporting and recordkeeping requirements.

Issued in Washington, DC, on March 27, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE is proposing to amend parts 429, 430, and 431 of Chapter II, Subchapter D of Title 10, Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.17 is revised to read as follows:

§ 429.17 Water heaters.

(a) *Determination of represented value.*

(1) As of July 13, 2015, manufacturers must determine the represented value for each new basic model of water heater by applying an AEDM in accordance with 10 CFR 429.70 or by testing for the uniform energy factor, in conjunction with the applicable sampling provisions as follows:

(i) If the represented value is determined through testing, the general requirements of 10 CFR 429.11 are applicable; and

(ii) For each basic model selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of the estimated annual operating cost or other measure of energy consumption of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample;

Or,

(*2*) The upper 95-percent confidence limit (UCL) of the true mean divided by 1.10, where:

$$UCL = \bar{x} + t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95-percent one-tailed confidence interval with n-1 degrees of freedom (from Appendix A).

and

(B) Any represented value of the uniform energy factor, energy factor, or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample;

Or,

(*2*) The lower 95-percent confidence limit (LCL) of the true mean divided by 0.90, where:

$$LCL = \bar{x} - t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95-percent one-tailed confidence interval with n-1 degrees of freedom (from Appendix A).

(2) For basic models initially certified before July 13, 2015 (using either the energy factor test procedure contained in Appendix E to Subpart B of 10 CFR part 430 of the January 1, 2015 edition of the Code of Federal Regulations or the thermal efficiency and standby loss test procedures contained in 10 CFR 431.106 of the January 1, 2015 edition of the Code of Federal Regulations, in conjunction with applicable sampling provisions), manufacturers must:

(i) Conduct testing for the uniform energy factor, in conjunction with the applicable sampling provisions of this paragraph;

(ii) Apply an AEDM in accordance with 10 CFR 429.70; or

(iii) Calculate the uniform energy factor by applying the following mathematical conversion factors to the previously certified value of energy factor as follows. Representations of uniform energy factor based on a calculation using this mathematical conversion factor must be equal to the uniform energy factor value resulting from the application of the appropriate equation below.

(A) The applicable mathematical conversion factors are as follows:

Product class	Distinguishing criteria	Conversion factor *
Consumer Gas-fired Water Heater	Non-Condensing, Standard NO_X	$New\ FHR = 1.0085 * FHR_{Ex}$ $UEF = 0.4736 + 0.2726 * UEF_{WHAM}$
	Non-Condensing, Low NO_X	$New\ FHR = 4.6894 = 0.9112 * FHR_{Ex}$ $UEF = -0.0126 + 0.9966 * UEF_{WHAM}$
	Non-Condensing, Ultra-Low NO_X	$New\ FHR = 2.9267 + 0.8882 * FHR_{Ex}$ $UEF = 0.2673 + 0.5811 * UEF_{WHAM}$
	Condensing	$New\ FHR = -0.7072 + 0.9724 * FHR_{Ex}$ $UEF = 0.0409 + 0.9164 * UEF_{WHAM}$
Consumer Oil-fired Water Heater	N/A	$New\ FHR = 1.1018 * FHR_{Ex}$ $UEF = -0.0945 + 1.1185 * UEF_{WHAM}$
Consumer Electric Water Heater	Electric Resistance	$New\ FHR = 11.9239 + 0.789 * FHR_{Ex}$ $UEF = 0.1227 + 0.8673 * UEF_{WHAM}$

Product class	Distinguishing criteria	Conversion factor*
	Heat Pump	*New FHR* = −2.3440 + 0.9856 * FHR_{Ex} *UEF* = −1.1235 + 1.5485 * *EF*
Tabletop Water Heater	N/A	*New FHR* = 11.9239 + 0.7879 * FHR_{Ex} *UEF* = 0.1227 + 0.8673 * UEF_{WHAM}
Instantaneous Gas-fired Water Heater	N/A	*New Max GPM* = 1.1467 * *Max* GPM_{Ex} *UEF* = 0.0783 + 0.9052 * UEF_{model}
Instantaneous Electric Water Heater	N/A	*New Max GPM* = 1.1467 * *Max* GPM_{Ex} *UEF* = 1.0079 * UEF_{model}
Residential-Duty Commercial Gas-fired Water Heater.	N/A	*New FHR* = 39.8144 + 1.0226 * *Q* *UEF* = 0.1413 + 0.7300 * UEF_{WHAM}
Residential-Duty Commercial Oil-fired Water Heater.	N/A	*New FHR* = 39.8144 + 1.0226 * *Q* *UEF* = 0.1413 + 0.7300 * UEF_{WHAM}

*FHR_{EX} = current first-hour rating.
Max GPM_{EX} = current max GPM rating.
Q = nameplate input rate, in kBtu/hr.
UEF_{WHAM} = the UEF predicted based on either the WHAM equation (for consumer storage water heaters) or the modified WHAM (for residential-duty commercial water heaters, as defined in the sub-paragraphs below).
UEF_{model} = the UEF predicted based on the analytical model developed by DOE (for consumer instantaneous water heaters).

(B) Calculate UEF_{WHAM} (for consumer storage water heaters and residential-duty commercial storage water heaters) and UEF_{model} (for consumer instantaneous water heaters) as follows:

(*1*) For consumer storage water heaters:

$$UEF_{WHAM} = \left[\frac{1}{\eta_r} + \left(\frac{1}{EF} - \frac{1}{\eta_r}\right)\left(\frac{a\,P\,\eta_r - b}{c\,P\,\eta_r - d}\right)\right]^{-1}$$

Where a, b, c, and d are coefficients based on the applicable draw pattern as specified in the table below; EF is the current energy factor rating; η_r is the current recovery efficiency rating in decimal form; and P is the input rating in Btu/h.

Draw pattern	a	b	c	d
Very Small	56095146	12884892499	8930623	15125743368
Low	56095146	48962591496	33936368	57477824799
Medium	56095146	70866908744	49118427	83191588525
High	56095146	108233096990	75017235	127056244293

(*2*) For consumer instantaneous water heaters:

$$UEF_{model} = \frac{A}{A/\eta_r + B}$$

Where η_r is the current recovery efficiency rating expressed in decimal form and A and B are coefficients dependent upon the applicable draw pattern as specified in the table below.

Draw pattern	A	B
Very Small	5514.2	170.2
Low	20954	262.4
Medium	30328	290.9
High	46319	294.0

(*3*) For residential-duty commercial water heaters:

$$UEF_{WHAM} = \frac{1}{1/E_t + C_1 SL}.$$

Where, E_t is the existing thermal efficiency rating; SL is the existing standby loss rating in Btu/h; and C_1 is a coefficient as specified in the table below based on the applicable draw pattern.

Draw pattern	C_1
Very Small	3.575×10^{-3}
Low	9.408×10^{-4}
Medium	6.500×10^{-4}
High	4.256×10^{-4}

(3) Any represented value of the rated storage volume must be equal to the mean of the measured storage volumes of all the units within the sample.

(4) Any represented value of first-hour rating or maximum gallons per minute (GPM) must be equal to the mean of the measured first-hour ratings or measured maximum GPM ratings, respectively, of all the units within the sample.

(b) *Certification reports.* (1) The requirements of 10 CFR 429.12 are applicable to water heaters; and

(2) Pursuant to 10 CFR 429.12(b)(13), a certification report shall include the following public product-specific information:

(i) For storage-type water heater basic models tested for energy factor and rated pursuant to 10 CFR 429.17(a)(2)(iii): Energy factor, uniform energy factor, rated storage volume (gal), first-hour rating (gal), and recovery efficiency (percent);

(ii) For storage-type water heater basic models tested for uniform energy factor and rated pursuant to 10 CFR 429.17(a)(1) or 10 CFR 429.17(a)(2)(i) through (ii): Uniform energy factor, rated storage volume in gallons (gal), first-hour rating (gal), and recovery efficiency (percent);

(iii) For instantaneous-type water heater basic models tested for energy factor and rated pursuant to 10 CFR 429.17(a)(2)(iii): Energy factor, uniform energy factor, rated storage volume (gal), maximum gallons per minute, and recovery efficiency (percent); and

(iv) For instantaneous-type water heater basic models tested for uniform energy factor and rated pursuant to 10 CFR 429.17(a)(1) or 10 CFR 429.17(a)(2)(i) through (ii): Uniform energy factor, rated storage volume (gal), maximum gallons per minute, and recovery efficiency (percent).

■ 3. Section 429.17 is further revised, effective [date one year after publication of final rule], to read as follows:

§ 429.17 Water heaters.

(a) *Determination of represented value.* (1) Manufacturers must determine the represented value for each water heater by applying an AEDM in accordance with 10 CFR 429.70 or by testing for the uniform energy factor, in conjunction with the applicable sampling provisions as follows:

(i) If the represented value is determined through testing, the general requirements of 10 CFR 429.11 are applicable; and

(ii) For each basic model selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of the estimated annual operating cost or other measure of energy consumption of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample;

Or,

(*2*) The upper 95-percent confidence limit (UCL) of the true mean divided by 1.10, where:

$$UCL = \bar{x} + t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And, $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95-percent one-tailed confidence interval with n-1 degrees of freedom (from Appendix A).

and

(B) Any represented value of the uniform energy factor, energy factor, or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample;

Or,

(*2*) The lower 95-percent confidence limit (LCL) of the true mean divided by 0.90, where:

$$LCL = \bar{x} - t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95-percent one-tailed confidence interval with n-1 degrees of freedom (from Appendix A).

(2) Any represented value of the rated storage volume must be equal to the mean of the measured storage volumes of all the units within the sample.

(3) Any represented value of first-hour rating or maximum gallons per minute (GPM) must be equal to the mean of the measured first-hour ratings or measured maximum GPM ratings, respectively, of all the units within the sample.

(b) *Certification reports.* (1) The requirements of 10 CFR 429.12 are applicable to water heaters; and

(2) Pursuant to 10 CFR 429.12(b)(13), a certification report shall include the following public product-specific information:

(i) For storage-type water heater basic models: Uniform energy factor, rated storage volume in gallons (gal), first-hour rating (gal), and recovery efficiency (percent);

(ii) For instantaneous-type water heater basic models: Uniform energy factor, rated storage volume (gal), maximum gallons per minute, and recovery efficiency (percent); and

(iii) For instantaneous-type water heater basic models: Uniform energy factor, rated storage volume (gal), maximum gallons per minute, and recovery efficiency (percent).

■ 4. Section 429.44 is amended by:

■ a. Revising paragraph (a) introductory text;

■ b. Adding new paragraphs (c)(2)(vii) and (viii);

The revisions and additions read as follows:

§ 429.44 Commercial water heating equipment.

(a) For residential-duty commercial water heaters, determine representations as provided in 10 CFR 429.17(a).

* * * * *

(c) * * *

(2) * * *

(vii) Residential-duty commercial gas-fired and oil-fired storage water heaters tested for thermal efficiency and standby loss and rated pursuant to 10 CFR 429.17(a)(2)(iii): Thermal efficiency in percent (%), maximum standby loss in British thermal units per hour (Btu/h), uniform energy factor, rated storage volume (gal), and the nameplate input rate in British thermal units per hour (Btu/h).

(viii) Residential-duty commercial gas-fired and oil-fired storage water heaters tested for uniform energy factor and rated pursuant to 10 CFR 429.17(a)(1) or 10 CFR 429.17(a)(2)(i) through (ii): Uniform energy factor, rated storage volume (gal), first-hour rating (gal), and recovery efficiency (percent).

* * * * *

■ 5. Section 429.44 is further revised, effective [date one year after publication of final rule], to read as follows:

■ a. Removing paragraph (c)(2)(vii);

■ b. Redesignating paragraph (c)(2)(viii) as (c)(2)(vii); and

■ c. Revising newly redesignated paragraph (c)(2)(vii) to read as follows:

§ 429.44 Commercial water heating equipment.

* * * * *

(c) * * *

(2) * * *

(vii) Residential-duty commercial gas-fired and oil-fired storage water heaters: Uniform energy factor, rated storage volume (gal), first-hour rating (gal), and recovery efficiency (percent).

* * * * *

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 6. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 7. Section 430.23 is amended by revising paragraph (e) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(e) *Water Heaters.* (1) For water heaters tested using energy factor:

(i) The estimated annual operating cost for water heaters tested in terms of energy factor shall be—

(A) For a gas or oil water heater, the product of the annual energy consumption, determined according to section 6.1.8 or 6.2.5 of appendix E to subpart B of 10 CFR part 430 of the January 1, 2015 edition of the Code of Federal Regulations, times the representative average unit cost of gas or oil, as appropriate, in dollars per Btu as provided by the Secretary. The resulting product shall be rounded off to the nearest dollar per year.

(B) For an electric water heater, the product of the annual energy consumption, determined according to section 6.1.8 or 6.2.5 of appendix E to subpart B to 10 CFR part 430 of the January 1, 2015 edition of the Code of Federal Regulations, times the representative average unit cost of electricity in dollars per kilowatt-hour as provided by the Secretary, divided by 3412 Btu per kilowatt-hour. The resulting quotient shall be rounded off to the nearest dollar per year.

(ii) For an individual test, the tested energy factor for a water heater shall be determined by section 6.1.7 or 6.2.4 of appendix E to subpart B of 10 CFR part 430 of the January 1, 2015 edition of the Code of Federal Regulations, rounded off to the nearest 0.01.

(2) For water heaters tested using uniform energy factor:

(i) The estimated annual operating cost shall be:

(A) For a gas or oil water heater, the sum of: The product of the annual gas or oil energy consumption, determined according to section 6.1.10 or 6.2.7 of appendix E of this subpart, times the representative average unit cost of gas or oil, as appropriate, in dollars per Btu as provided by the Secretary; plus the product of the annual electric energy consumption, determined according to section 6.1.9 or 6.2.6 of appendix E of this subpart, times the representative average unit cost of electricity in dollars per kilowatt-hour as provided by the Secretary. The resulting sum shall be rounded off to the nearest dollar per year.

(B) For an electric water heater, the product of the annual energy consumption, determined according to section 6.1.9 or 6.2.6 of appendix E of this subpart, times the representative average unit cost of electricity in dollars per kilowatt-hour as provided by the Secretary. The resulting product shall be rounded off to the nearest dollar per year.

(ii) For an individual test, the tested uniform energy factor for a water heater shall be determined by section 6.1.7 or 6.2.4 of appendix E of this subpart, rounded to the nearest 0.01.

* * * * *

■ 8. Section 430.32 is amended by revising paragraph (d) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(d) *Water heaters.* The energy factor of each basic model of water heater shall not be less than the following:

Product class	Rated storage volume	Draw pattern	Uniform energy factor as of July 13, 2015*
Gas-fired Storage	≥ 20 gal and ≤ 55 gal	Very Small	0.3263–(0.0019 × *Vr*)
		Low	0.5891–(0.0019 × *Vr*)
		Medium	0.6326–(0.0013 × *Vr*)
		High	0.7128–(0.0025 × *Vr*)
	< 55 gal and ≤ 100 gal	Very Small	0.5352–(0.0007 × *Vr*)
		Low	0.7375–(0.0009 × *Vr*)
		Medium	0.7704–(0.0010 × *Vr*)
		High	0.7980–(0.0010 × *Vr*)
Oil-fired Storage	≤ 50 gal	Very Small	0.2267–(0.0014 × *Vr*)
		Low	0.4867–(0.0006 × *Vr*)
		Medium	0.6016–(0.0012 × *Vr*)
		High	0.6529–(0.0005 × *Vr*)
Electric Storage	≥ 20 gal and ≤ 55 gal	Very Small	0.8268–(0.0002 × *Vr*)
		Low	0.9393–(0.0004 × *Vr*)
		Medium	0.9683–(0.0007 × *Vr*)
		High	0.9656–(0.0004 × *Vr*)
	< 55 gal and ≤ 120 gal	Very Small	1.2701–(0.0011 × *Vr*)
		Low	1.9137–(0.0011 × *Vr*)
		Medium	2.0626–(0.0011 × *Vr*)
		High	2.1858–(0.0011 × *Vr*)
Tabletop Storage	≥ 20 gal and ≤ 100 gal	Very Small	0.6808–(0.0022 × *Vr*)
		Low	0.8770–(0.0012 × *Vr*)
		Medium	0.9063–(0.0009 × *Vr*)
		High	0.9302–(0.0006 × *Vr*)
Gas-fired Instantaneous	< 2 gal	All	0.8036–(0.0019 × *Vr*)
Electric Instantaneous	< 2 gal	All	0.9192–(0.0013 × *Vr*)

*Vr is rated storage volume.

* * * * *

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 9. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 10. In § 431.106 revise paragraph (b) to read as follows:

§ 431.106 Uniform test method for the measurement of energy efficiency of commercial water heaters and hot water supply boilers (other than commercial heat pump water heaters).

* * * * *

(b) *Testing and Calculations.* Determine the energy efficiency of each class of equipment by conducting the applicable test procedure(s), set forth in the three rightmost columns of the following table:

TABLE 1 TO § 431.106—TEST PROCEDURES FOR COMMERCIAL WATER HEATERS AND HOT WATER SUPPLY BOILERS (OTHER THAN COMMERCIAL HEAT PUMP WATER HEATERS)

Equipment type	Energy efficiency descriptor	Test procedure	Test procedure required for compliance on and after	With these additional stipulations
Residential-Duty Commercial Water Heater.	Uniform Energy Factor	10 CFR Part 430, Subpart B, Appendix E.	July 13, 2015.	
Gas-fired Storage and Instantaneous Water Heaters and Hot Water Supply Boilers.	Thermal Efficiency	Use test set-up, equipment, and procedures in subsection labeled "Method of Test" of ANSI Z21.10.3–2011**, Exhibit G1.	May 13, 2013	A. For all products, the duration of the standby loss test shall be until whichever of the following occurs first after you begin to measure the fuel and/or electric consumption: (1) The first cut-out after 24 hours or (2) 48 hours, if the water heater is not in the heating mode at that time.
	Standby Loss	Use test set-up, equipment, and procedures in subsection labeled "Method of Test" of ANSI Z21.10.3–2011**, Exhibit G2.	May 13, 2013	B. For oil and gas products, the standby loss in Btu per hour must be calculated as follows: SL (Btu per hour) = S (% per hour) × 8.25 (Btu/gal-F) × Measured Volume (gal) × 70 (degrees F).
Oil-fired Storage and Instantaneous Water Heaters and Hot Water Supply Boilers.	Thermal Efficiency	ANSI Z21.10.3–2011**, Exhibit G1.	May 13, 2013	C. For oil-fired products, apply the following in conducting the thermal efficiency and standby loss tests: (1) Venting Requirements—Connect a vertical length of flue pipe to the flue gas outlet of sufficient height so as to meet the minimum draft specified by the manufacturer. (2) Oil Supply—Adjust the burner rate so that: (a) The hourly Btu input rate lies within ±2 percent of the manufacturer's specified input rate, (b) the CO_2 reading shows the value specified by the manufacturer, (c) smoke in the flue does not exceed No. 1 smoke as measured by the procedure in ASTM–D2156–80 (reference for guidance only, see § 431.104), and (d) fuel pump pressure lies within ±10 percent of manufacturer's specifications.
	Standby Loss	Use test set-up, equipment, and procedures in subsection labeled "Method of Test" of ANSI Z21.10.3–2011**, Exhibit G2.	May 13, 2013.	
Electric Storage and Instantaneous Water Heaters.	Standby Loss	Use test set-up, equipment, and procedures in subsection labeled "Method of Test" of ANSI Z21.10.3–2011**, Exhibit G2.	May 13, 2013	D. For electric products, apply the following in conducting the standby loss test: (1) Assume that the thermal efficiency (Et) of electric water heaters with immersed heating elements is 98 percent. (2) Maintain the electrical supply voltage to within ±5 percent of the center of the voltage range specified on the water heater nameplate. (3) If the set up includes multiple adjustable thermostats, set the highest one first to yield a maximum water temperature in the specified range as measured by the topmost tank thermocouple. Then set the lower thermostat(s) to yield a maximum mean tank temperature within the specified range. E. Install water-tube water heaters as shown in Figure 2, "Arrangement for Testing Water-tube Type Instantaneous and Circulating Water Heaters."

** Incorporated by reference, *see* § 431.105.

■ 11. Section 431.110 is revised to read as follows:

§ 431.110 Energy conservation standards and their effective dates.

Each commercial storage water heater, instantaneous water heater, unfired hot water storage tank and hot water supply boiler [1] (except for residential-duty commercial water heaters) must meet the applicable energy conservation standard level(s) as follows:

Product	Size	Energy conservation standard [a] (products manufactured on and after October 29, 2003) [b]	
		Minimum thermal efficiency	Maximum standby loss [c]
Electric storage water heaters	All	N/A	0.30 + 27/V_m (%/hr)
Gas-fired storage water heaters	≤155,000 Btu/hr	80%	Q/800 + 110(V_r)½ (Btu/hr)
	>155,000 Btu/hr	80%	Q/800 + 110(V_r)½ (Btu/hr)
Oil-fired storage water heaters	≤155,000 Btu/hr	78%	Q/800 + 110(V_r)½ (Btu/hr)
	>155,000 Btu/hr	78%	Q/800 + 110(V_r)½ (Btu/hr)
Gas-fired instantaneous water heaters and hot water supply boilers.	<10 gal	80%	N/A
	≥10 gal	80%	Q/800 + 110(V_r)½ (Btu/hr)
Oil-fired instantaneous water heaters and hot water supply boilers.	<10 gal	80%	N/A
	≥10 gal	78%	Q/800 + 110(V_r)½ (Btu/hr)
Product	**Size**	**Minimum thermal insulation**	
Unfired hot water storage tank	All	R–12.5.	

[a] V_m is the measured storage volume and V_r is the rated volume, both in gallons. Q is the nameplate input rate in Btu/hr.

[b] For hot water supply boilers with a capacity of less than 10 gallons: (1) the standards are mandatory for products manufactured on and after October 21, 2005, and (2) products manufactured prior to that date, and on or after October 23, 2003, must meet either the standards listed in this table or the applicable standards in subpart E of this part for a ''commercial packaged boiler.''

[c] Water heaters and hot water supply boilers having more than 140 gallons of storage capacity need not meet the standby loss requirement if (1) the tank surface area is thermally insulated to R–12.5 or more, (2) a standing pilot light is not used and (3) for gas or oil-fired storage water heaters, they have a fire damper or fan assisted combustion.

Each residential-duty commercial water heater, as defined in 10 CFR 431.102, must meet the applicable energy conservation standard level as follows:

Product class	Draw pattern	Uniform energy factor*
Gas-fired Storage	Very Small	0.3261–(0.0006 x *Vr*)
	Low	0.5219–(0.0008 x *Vr*)
	Medium	0.5585–(0.0006 x *Vr*)
	High	0.6044–(0.0005 x *Vr*)
Oil-fired Storage	Very Small	0.3206–(0.0006 x *Vr*)
	Low	0.5577–(0.0019 x *Vr*)
	Medium	0.6027–(0.0019 x *Vr*)
	High	0.5446–(0.0018 x *Vr*)

* Vr is the rated storage volume.

[FR Doc. 2015–07932 Filed 4–13–15; 8:45 am]

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[1] Any packaged boiler that provides service water, that meets the definition of ''commercial packaged boiler'' in subpart E of this part, but does not meet the definition of ''hot water supply boiler'' in subpart G, must meet the requirements that apply to it under subpart E.

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