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Contents

Federal Register

Vol. 80, No. 81

Tuesday, April 28, 2015

Agency for International Development
NOTICES
Meetings:
President's Global Development Council, 23496

Agricultural Marketing Service
PROPOSED RULES
National Organic Program; Origin of Livestock, 23455–23477

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23496–23497

Animal and Plant Health Inspection Service
NOTICES
Meetings:
USDA Stakeholder Workshop on Coexistence, 23497–23498
Pest Risk Analyses:
Importation of Fresh Pitahaya from Israel into the Continental U.S., 23497

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23554–23555

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23555–23557

Chemical Safety and Hazard Investigation Board
NOTICES
Meetings; Sunshine Act, 23498

Civil Rights Commission
NOTICES
Meetings:
Arizona Advisory Committee, 23499
Illinois Advisory Committee, 23498–23499
Mississippi Advisory Committee, 23499–23500

Coast Guard
RULES
Drawbridge Operations:
Lewis and Clark River, Astoria, OR, 23445
Willamette River, Portland, OR, 23444
Safety Zones and Regulated Navigation Areas:
Shell Arctic Drilling/Exploration Vessels and Associated Voluntary First Amendment Area, Puget Sound, WA, 23445–23448
PROPOSED RULES
Special Load Line Exemption for Lake Michigan, Muskegon Route, 23493–23495
Special Local Regulations:
Suncoast Super Boat Grand Prix; Gulf of Mexico, Sarasota, FL, 23484–23487

Commerce Department
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23500–23504

Commodity Futures Trading Commission
NOTICES
Meetings:
Global Markets Advisory Committee, 23506–23507

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23507

Education Department
RULES
Assistance to States for the Education of Children with Disabilities, 23644–23671
NOTICES
Applications for New Awards:
Enhanced Assessment Instruments Grants Program, Enhanced Assessment Instruments, 23507–23514
Indian Education Discretionary Grants Programs — Demonstration Grants for Indian Children Program, 23514–23520

Employment and Training Administration
RULES
Temporary Employment of Foreign Workers in the United States; CFR Correction, 23443

Energy Department
See Federal Energy Regulatory Commission
See Western Area Power Administration
NOTICES
Applications:
Clean Line Plains and Eastern Transmission Line, 23520–23522

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Redesignation of the Harrisburg-Lebanon-Carlisle-York Nonattainment Areas to Attainment for the 1997 Annual and the 2006 24-Hour Fine Particulate Matter Standard, PA; Correction, 23449
Yolo-Solano Air Quality Management District; CA, 23449–23452
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Texas; Attainment Demonstration for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area; Determination of Attainment of the 1997 Ozone Standard, 23487–23493
Yolo-Solano Air Quality Management District; CA, 23487

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Availability of Work Plan Chemical Problem Formulation and Initial Assessment for 1,4–Dioxane, 23545–23546
Lead-Based Paint Pre-Renovation Information Dissemination, 23541–23542
Monthly Progress Reports, 23544–23545
Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances, 23543–23544
Residential Lead-Based Paint Hazard Disclosure Requirements, 23540–23541
State Small Business Stationary Source Technical and Environmental Compliance Assistance Programs Annual Reporting Form, 23542–23543
Meetings:
Input on Potential Actions to Prepare for and Respond to Cyanotoxins in Drinking Water; Webinars, 23542

Federal Aviation Administration
RULES
Special Conditions:
Boeing Model 787–9; Single-Occupant Oblique Seats, Airbag Devices; Test Requirements, 23441–23443

Federal Communications Commission
RULES
Radio Broadcasting Services:
Shelter Island, NY, 23454
Reform of Rules Governing the 800 MHz Cellular Service, 23452–23454
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23547–23549
Meetings:
Downloadable Security Technology Advisory Committee, 23548

Federal Deposit Insurance Corporation
PROPOSED RULES
Large Bank Deposit Insurance Determination Modernization, 23478–23484

Federal Energy Regulatory Commission
NOTICES
Applications:
Bison Peak Pumped Storage, LLC., 23532–23533
McMahan Hydroelectric LLC, 23525–23526
Transcontinental Gas Pipe Line Co., LLC, 23538
Combined Filings, 23523–23524
Environmental Assessments; Availability, etc.:
Tennessee Gas Pipeline Company, LLC; Abandonment and Capacity Restoration Project, 23530–23532
Environmental Impact Statements; Availability, etc.:
Mountain Valley Pipeline, LLC; Public Scoping Meetings, 23535–23538
Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects, 23528–23529
Hydroelectric Applications:
Erie Boulevard Hydropower, LP and Saint Regis Mohawk Tribe, 23526–23527
License Amendment Applications:
Green Mountain Power Corporation, 23528
License Applications:
Georgia Power Company, 23524–23525
Petitions:
Benjamin Riggs v. Rhode Island Public Utilities Commission; Enforcement, 23525
Preliminary Permit Applications:
Murphy Dam, LLC, 23529–23530
Qualifying Conduit Hydropower Facilities:
Los Angeles County Public Works, 23533–23534
Requests for Waivers:
JBBR Pipeline, LLC, 23527
Staff Attendances, 23522
Temporary Waivers of Filing and Reporting Requirements:
Western Refining Pipeline, LLC, 23523
Termination of Exemptions:
Bradley D. Reeves, Kevin Drone, 23534–23535

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23636–23639

Federal Maritime Commission
NOTICES
Petitions:
National Customs Brokers and Forwarders Association of America, 23549–23550

Federal Mediation and Conciliation Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Labor–Management Relations, 23550–23551

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 23551

Fish and Wildlife Service
NOTICES
Applications:
Copenhagen Wind Farm, LLC; Early Scoping for an Incidental Take Permit and Draft Habitat Conservation Plan, 23567–23570

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 23639–23640

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Identification of Products with Environmental Attributes, 23551–23552
Digital Innovation and Strategy Hack-a-Thon, 23552–23554

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Indian Health Service
See National Institutes of Health
NOTICES
Meetings:
Presidential Advisory Council on HIV/AIDS, 23557–23558

Homeland Security Department
See Coast Guard

See U.S. Citizenship and Immigration Services

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification of Consistency with Sustainable Communities Planning and Implementation, 23566–23567
Family Self Sufficiency Program Demonstration, 23565–23566
Service Coordinators in Multifamily Housing, 23564

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Law and Order on Indian Reservations — Marriage and Dissolution Applications, 23570–23571

Indian Health Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Indian Health Service Loan Repayment Program, 23558–23559
Office of Tribal Self-Governance Program; Negotiation Cooperative Agreement; Correction, 23558
Office of Tribal Self-Governance Program; Planning Cooperative Agreement; Correction, 23559–23560

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See National Park Service

Internal Revenue Service
RULES
Period of Limitations on Assessment for Listed Transactions Not Disclosed under the Internal Revenue Code; Correction, 23443–23444

International Trade Administration
NOTICES
Establishment of a Ready Applicant Pool for Department of Commerce Trade Missions, 23504–23505
Establishment of Expedited Trade Mission Procedures, 23505

Justice Department
NOTICES
Charter Renewals:
National Commission on Forensic Science; Requests for Applications, 23595–23596
Proposed Consent Decrees:
Clean Water Act, 23596

Labor Department
See Employment and Training Administration

National Institute of Standards and Technology
NOTICES
Meetings:
Manufacturing Extension Partnership Advisory Board, 23505–23506

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 23561–23562
National Center for Complementary and Integrative Health, 23562–23563
National Institute of Allergy and Infectious Diseases, 23562
National Institute of Biomedical Imaging and Bioengineering, 23560
National Institute of Diabetes and Digestive and Kidney Diseases, 23560
National Institute of Neurological Disorders and Stroke, 23562
National Toxicology Program Board of Scientific Counselors, 23560–23561

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 23506

National Park Service
NOTICES
Intent to Repatriate Cultural Items:
Beneski Museum of Natural History, Amherst College, Amherst, MA; Corrections, 23572
Brooklyn Museum, Brooklyn, NY, 23594–23595
School for Advanced Research, Indian Arts Research Center, Santa Fe, NM, 23588–23589
U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL, 23572–23573
Inventory Completions:
Arizona State Museum, University of Arizona, Tucson, AZ, 23586–23588
Arkansas Archeological Survey, Fayetteville, AR; Corrections, 23585–23586
California State University, Sacramento, Sacramento, CA,; Intent to Repatriate Cultural Items; Corrections, 23577–23578
Native American Human Remains, Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Jean Lafitte National Historical Park and Preserve, New Orleans, LA; Corrections, 23589
Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA, 23582–23583
San Bernardino County Museum, Redlands, CA, 23579–23580
State Historical Society of Iowa, Iowa City, IA, 23574–23576
Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA, 23580–23584
U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA, 23571–23572
U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL, 23589–23591
U.S. Department of the Interior, National Park Service, De Soto National Memorial, Bradenton, FL, 23584–23585
U.S. Department of the Interior, National Park Service, Isle Royale National Park, Houghton, MI, 23591–23592

U.S. Department of the Interior, National Park Service, Petrified Forest National Park, Petrified Forest, AZ, 23573–23574
Wisconsin Historical Society, Museum Division, Madison, WI, 23576–23577
Repatriation of Cultural Items:
San Bernardino County Museum, Redlands, CA, 23592–23593
State Historical Society of Iowa, Des Moines, IA, 23593–23594

National Science Foundation
NOTICES
Service Contract Inventories, 23596

Nuclear Regulatory Commission
NOTICES
Combined License Applications:
Nuclear Innovation North America LLC; South Texas Project, Units 3 and 4, 23597–23598
Direct Transfers of Licenses:
Crystal River Nuclear Generating Plant, Unit 3, 23612–23615
Facility Operating and Combined Licenses:
Applications and Amendments Involving No Significant Hazards Considerations, etc., 23598–23609
License Amendment Applications:
Department of Energy; Idaho Spent Fuel Facility Independent Spent Fuel Storage Installation, 23610
Meetings:
Advisory Committee on Reactor Safeguards, 23611–23612
Advisory Committee on Reactor Safeguards Subcommittee on Fukushima, 23610–23611
Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures, 23598
Advisory Committee on Reactor Safeguards Subcommittee on Reliability and PRA, 23609–23610

Personnel Management Office
NOTICES
Meetings:
National Council on Federal Labor–Management Relations, 23615

Securities and Exchange Commission
NOTICES
Meetings:
Equity Market Structure Advisory Committee, 23625
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 23618
NASDAQ OMX BX, Inc., 23615–23618
SS and C Technologies, Inc., 23618–23625
The NASDAQ Stock Market, LLC, 23625–23634

Small Business Administration
NOTICES
Disaster Declarations:
Florida, 23634
Georgia, 23634
Tennessee; Amendment 1, 23634–23635
West Virginia; Amendment 1, 23635

State Department
NOTICES
Culturally Significant Object Imported for Exhibition:
Frederick Leighton's Flaming June, 23635
Designations as Global Terrorists:
Christodoulos Xiros, 23636
Nikolaos Maziotis a.k.a. Nikos Maziotis, 23635

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration

Treasury Department
See Foreign Assets Control Office
See Internal Revenue Service

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Petition to Remove the Conditions on Residence, 23563

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reimbursement of Certain Medical Expenses for Camp Lejeune Family Members, 23640–23641

Western Area Power Administration
NOTICES
Record of Decisions:
Interconnection of the Grande Prairie Wind Farm, Holt County, NE, 23538–23540

Separate Parts In This Issue

Part II
Education Department, 23644–23671

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
Proposed Rules:
205.....23455

12 CFR
Proposed Rules:
360.....23478

14 CFR
25.....23441

20 CFR
655.....23443

26 CFR
301.....23443

33 CFR
117 (2 documents) 23444, 23445
165.....23445
Proposed Rules:
100.....23484

34 CFR
300.....23644

40 CFR
52 (2 documents) 23449
Proposed Rules:
52 (2 documents) 23487

46 CFR
Proposed Rules:
45.....23493

47 CFR
22.....23452
73.....23454

Rules and Regulations

Federal Register
Vol. 80, No. 81
Tuesday, April 28, 2015

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–0692; Special Conditions No. 25–580–SC]

Special Conditions: Boeing Model 787–9, Dynamic Test Requirements for Single-Occupant Oblique (Side-Facing) Seats With Airbag Devices

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model 787–9 airplane. This airplane has a novel or unusual design feature associated with side-facing, oblique seats. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for occupants of seats installed at an angle of greater than 18 degrees, but substantially less than 90 degrees, to the centerline of the airplane, nor for airbag devices. These 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: This action is effective on April 28, 2015. We must receive your comments by June 12, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0692 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 or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.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 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: Jeff Gardlin, Airframe and Cabin Safety, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2136; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

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 will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On July 5, 2009, The Boeing Company applied for an amendment to Type Certificate No. T00021SE to include the new Model 787–9 airplane. The Model 787–9, which is a derivative of the Model 787 airplane currently approved under Type Certificate No. T00021SE, is a wide-body twin-jet with wing-mounted engines. It has a 420-passenger capacity, a maximum takeoff weight of 553,000 lb, and is equipped with two Rolls-Royce Trent T1000 or General Electric GENx engines.

Amendment 25–15 to part 25, dated October 24, 1967, introduced the subject of side-facing seats and a requirement that each occupant in a side-facing seat must be protected from head injury by a safety belt and a cushioned rest that will support the arms, shoulders, head, and spine.

Subsequently, Amendment 25–20, dated April 23, 1969, clarified the definition of sideward-facing seats to require that each occupant of a seat that is positioned at more than an 18-degree angle to the vertical plane containing the airplane centerline must be protected from head injury by a safety belt and an energy-absorbing rest that supports the arms, shoulders, head, and spine; or by a safety belt and shoulder harness that prevents the head from contacting injurious objects. The FAA concluded that a maximum 18-degree angle would provide an adequate level of safety based on tests that were performed at that time, and thus adopted that standard.

Part 25 was amended June 16, 1988, by Amendment 25–64, to revise the emergency-landing conditions that must be considered in the design of the airplane. Amendment 25–64 revised the static-load conditions in § 25.561, and added a new § 25.562 that required dynamic testing for all seats approved for occupancy during takeoff and landing. The intent of Amendment 25–64 is to provide an improved level of

safety for occupants on transport-category airplanes. Because most seating is forward-facing on transport-category airplanes, the pass/fail criteria developed in Amendment 25–64 focused primarily on these seats. As a result, the FAA issued Policy Memorandums ANM–03–115–30, ''Side-facing Seats on Transport Category Airplanes,'' and PS–ANM–100–2000–00123 ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' to provide the additional guidance necessary to demonstrate the level of safety required by the regulations for fully side-facing seats.

To reflect current research findings, the FAA developed a methodology to address all fully side-facing seats (i.e, seats oriented in the airplane with the occupant facing 90 degrees to the direction of airplane travel) and has documented those requirements in a set of proposed new special conditions. The FAA issued Policy Statement PS–ANM–25–03–R1 to document the injury criteria associated with neck and leg injuries for fully side-facing seats that will be used in special conditions issued after the implementation of the policy.

The criteria described in the above policy statements were written for fully side-facing seats and do not fully address the complex occupant-loading conditions introduced by a seat that is at an oblique angle to the centerline of the airplane. The Model 787–9 business-class seat installation is novel such that the current Model 787 side-facing seat special conditions do not adequately convey occupant protection expectations for an oblique-seat installation. Therefore, the configuration Boeing proposes requires new special conditions.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the 787–9, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00021SE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. The regulations listed in the type certificate are commonly referred to as the ''original type-certification basis.''

The regulations listed in T00021SE are as follows:

The type-certification basis for the Model 787–9 airplane is 14 CFR part 25, effective February 1, 1965, as amended by Amendments 25–1 through 25–128, except § 25.795, Security Considerations, at Amendment 25–106; and § 25.125, Landing, at Amendment 25–108.

In addition, the certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 787–9 airplane 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 novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 787–9 airplane 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.

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 § 21.101.

Novel or Unusual Design Features

The Boeing Model 787–9 airplane will incorporate the following novel or unusual design features:

Installation of Zodiac Seats France Cirrus III model oblique business-class passenger seats manufactured by Zodiac Seats UK, which are seats installed at an angle of 30 degrees to the airplane centerline. These seats will include airbag devices for occupant restraint and injury protection. This particular design allows for the upper torso to align with the impact vector, but may restrict the knees/legs from fully aligning. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for occupants of seats installed in the proposed configuration.

To provide a level of safety equivalent to that afforded to occupants of forward- and aft-facing seats, additional airworthiness standards, in the form of special conditions, are necessary. Although we have issued side-facing-seat special conditions applicable to the 787, these existing special conditions do not fully address the complex occupant-loading conditions introduced by a seat that is at an oblique angle to the centerline of the airplane. Special Conditions 25–458–SC, ''Boeing Model 787 Series Airplanes; Single-place Side-facing Seats with Inflatable Lapbelts,'' apply to fully side-facing (90 degree) seats installed on the 787. Special Conditions 25–552–SC, ''Boeing Model 787–9, Side-Facing Seats,'' were applicable to a specific 49-degree oblique seat installation, and do not contain sufficient criteria for general oblique seat installations.

Boeing is installing airbag devices on these seats, either in the lapbelts or mounted in the structure around the seats. Airbag devices installed in lapbelts on the 787 are addressed by Special Conditions 25–431–SC, ''Boeing Model 787 Series Airplanes; Seats With Inflatable Lapbelts.'' We are currently developing special conditions to apply to structure-mounted airbag devices installed on the 787.

Discussion

The business-class seating configuration proposed by Boeing is unique due to the seat installation at a 30-degree angle to the airplane centerline. Special Conditions 25–458–SC and 25–552–SC were not intended to address this configuration, nor is this configuration specifically addressed by Policy Statement PS–ANM–25–03–R1 (which is intended to address fully side-facing seats, *i.e.,* 90-degree installation angle). However, we believe the occupant-injury criteria conveyed in this policy statement is applicable to this type of configuration as it applies to evaluating neck injuries. Due to the unique seat-installation angle, these special conditions also include spinal-loading injury criteria.

These 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.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 787–9 airplane. These special conditions can be applied to oblique seats installed at an angle greater than 18 degrees but less than 46 degrees to the vertical plane containing the airplane centerline. Should Boeing 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. The angle of installation and detailed design features will determine the nature of the occupant response. The FAA will amend these special conditions or issue new special conditions, should unusual occupant response in the required dynamic tests, or additional research into occupant-injury mechanisms, indicate these special conditions are inadequate. Any future special conditions would include due public notice.

Conclusion

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

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Boeing Model 787–9 airplane is imminent, the FAA finds that good cause exists to make these special conditions effective upon publication in the **Federal Register**.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Boeing Model 787–9 airplanes modified by Boeing.

Side-Facing Seats Conditions

In addition to the requirements of § 25.562:

1. Existing Criteria: Compliance with § 25.562(c)(5) is required, except that, if the anthropomorphic test device (ATD) has no apparent contact with the seat/structure but has contact with an inflatable restraint, a head-injury criterion (HIC) unlimited score in excess of 1000 is acceptable, provided the HIC15 score for that contact is less than 700.

2. Body-to-Wall/Furnishing Contact: If a seat is installed aft of structure (*e.g.,* an interior wall or furnishing) that does not provide a homogenous contact surface for the expected range of occupants and yaw angles, then additional analysis and/or test(s) may be required to demonstrate that the injury criteria are met for the area which an occupant could contact. For example, if different yaw angles could result in different inflatable-restraint performance, then additional analysis or separate test(s) may be necessary to evaluate performance.

3. Neck Injury Criteria: The seating system must protect the occupant from experiencing serious neck injury. The assessment of neck injury must be conducted with the inflatable restraint activated unless there is reason to also consider that the neck-injury potential would be higher below the inflatable-restraint threshold.

a. The N_{ij} must be below 1.0, where $N_{ij} = F_z/F_{zc} + M_y/M_{yc}$, and N_{ij} intercepts limited to:

i. F_{zc} = 1530 lb for tension.

ii. F_{zc} = 1385 lb for compression.

iii. M_{yc} = 229 lb-ft in flexion.

iv. M_{yc} = 100 lb-ft in extension.

b. In addition, peak F_z must be below 937 lb in tension and 899 lb in compression.

c. Rotation of the head about its vertical axis relative to the torso is limited to 105 degrees in either direction from forward-facing.

d. The neck must not impact any surface.

4. Spine and Torso Injury Criteria:

a. The shoulders must remain aligned with the hips throughout the impact sequence, or support for the upper torso must be provided to prevent forward or lateral flailing beyond 45 degrees from the vertical during significant spinal loading.

b. Significant concentrated loading on the occupant's spine, in the area between the pelvis and shoulders during impact, including rebound, is not acceptable. During this type of contact, the interval for any rearward (X direction) acceleration exceeding 20g must be less than 3 milliseconds as measured by the thoracic instrumentation specified in 49 CFR part 572, subpart E, filtered in accordance with SAE International (SAE) J211–1.

c. Occupant must not interact with the armrest or other seat components in any manner significantly different than would be expected for a forward-facing seat installation.

5. Longitudinal test(s), as necessary, must be performed with the FAA Hybrid III ATD, undeformed floor, most-critical yaw case(s) for injury, and with all lateral structural supports (armrests/walls) installed. For the pass/fail injury assessments, see the criteria listed in special conditions 1 through 4, above.

Note: Boeing must demonstrate that the installation of seats via plinths or pallets meets all applicable requirements. Compliance with the guidance contained in FAA Policy Memorandum PS–ANM–100–2000–00123, dated February 2, 2000, titled ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' is acceptable to the FAA.

Inflatable Lapbelt Conditions

If inflatable lapbelts are installed on single-place side-facing seats, the inflatable lapbelt(s) must meet Special Conditions 25–431–SC.

Issued in Renton, Washington, on April 14, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–09784 Filed 4–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Temporary Employment of Foreign Workers in the United States; CFR Correction

In Title 20 of the Code of Federal Regulations, Parts 500 to 656, revised as of April 1, 2014, on page 314, in § 655.10, the second paragraph (h) and the second paragraph (i) are removed.

[FR Doc. 2015–09948 Filed 4–27–15; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9718]

RIN 1545–BH37

Period of Limitations on Assessment for Listed Transactions Not Disclosed Under Section 6011; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to final regulations (TD 9718) that were published in the **Federal Register** on Tuesday, March 31, 2015 (80 FR 16973). The final regulations relating to the exception to the general three-year period of limitations on assessment under section 6501(c)(10) of the Internal Revenue Code (Code) for listed transactions that taxpayer failed to disclosed as required under section 6011.

DATES: This correction is effective on April 28, 2015, and is applicable March 31, 2015.

FOR FURTHER INFORMATION CONTACT: Danielle Pierce at (202) 317–6845 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulation (TD 9718) that is the subject of this correction is under section 6011.

Need for Correction

As published, final regulations (TD 9718) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 301 is amended by making the following correcting amendments:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

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

■ **Par. 2.** Section 301.6501(c)–1 is amended by revising the first sentence of paragraph (g)(5)(i)(D) to read as follows:

§ 301.6501(c)–1 Exceptions to general period of limitations on assessment and collection.

* * * * *

(g) * * *

(5) * * *

(i) * * *

(D) * * * Unless an earlier expiration is provided for in paragraph (g)(6) of this section, the time to assess tax under this paragraph (g) will not expire before one year after the date on which the Secretary is furnished the information from the taxpayer that satisfies all of the requirements of paragraphs (g)(5)(i)(A) and (B) of this section and, if applicable, paragraph (g)(5)(i)(C) of this section. * * *

* * * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2015–09710 Filed 4–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0289]

Drawbridge Operation Regulation; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that govern three Multnomah County bridges: The Broadway Bridge, mile 11.7, the Morrison Bridge, mile 12.8, and the Hawthorne Bridge, mile 13.1, all crossing the Willamette River at Portland, OR. The deviation is necessary to accommodate the annual Rock 'n' Roll Half Marathon event. This deviation allows the bridges to remain in the closed-to-navigation position to allow safe roadway movement of event participants.

DATES: This deviation is effective from 3 a.m. to 12:35 p.m. on May 17, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0289] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Multnomah County has requested a temporary deviation from the operating schedule for the Broadway Bridge, mile 11.7, the Morrison Bridge, mile 12.8, and the Hawthorne Bridge, mile 13.1, all crossing the Willamette River at Portland, OR. The requested deviation is to accommodate the annual Rock 'n' Roll Half Marathon event. The Broadway Bridge, mile 11.7, provides a vertical clearance of 90 feet in the closed position, the Morrison Bridge, mile 12.8, provides a vertical clearance of 69 feet in the closed position, and the Hawthorne Bridge, mile 13.1, provides a vertical clearance of 49 feet in the closed position; all clearances are referenced to the vertical clearance above Columbia River Datum 0.0. Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft.

The normal operating schedule for all three bridges, detailed in 33 CFR 117.897(c)(3), states that the bridges open on signal if notice is given to the given to the drawtender of the Hawthorne Bridge. The normal operating schedule for the Broadway Bridge and the Morrison Bridge stipulates that a one-hour notice is to be given from 8 a.m. to 5 a.m., Monday through Friday, and two-hour notice is to be given at all other times. The normal operating schedule for the Hawthorne Bridge does not require advance notice.

To facilitate the annual Rock 'n' Roll Half Marathon event, the draws of the Broadway Bride, the Morrison Bridge, and the Hawthorne Bridge will be maintained in the closed-to-navigation positions from 3 a.m. to 12:35 p.m. on May 17, 2015. The bridges will be able to open for emergencies. There is no immediate alternate route for vessels to pass. Vessels able to pass through the bridges in the closed positions may do so at anytime.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: April 21, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2015–09787 Filed 4–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0351]

Drawbridge Operation Regulation; Lewis and Clark River, Astoria, OR

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 Oregon State (Lewis and Clark River) highway Bridge across the Lewis and Clark River, mile 1.0, at Astoria, OR. The deviation is necessary to accommodate bridge maintenance activities on the bridge. This deviation allows the bridge to remain in the closed-to-navigation position and need not open to maritime traffic.

DATES: This deviation is effective from 7 a.m. on May 11, 2015 to 5 p.m. on August 30, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0351] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Steven M. Fischer, Thirteenth Coast Guard District Bridge Program Administrator, telephone 206–220–7282, email *d13-pf-d13bridgesuscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Oregon Department of Transportation (ODOT) has requested that the Lewis and Clark River Bridge, mile 1.0, remain in the closed-to-navigation position, and need not open to vessel traffic Monday through Friday expect on Mondays from 7 a.m. to 4 p.m. when given 3 hours advanced notice. The deviation is necessary to facilitate bridge maintenance activities to include repairing and preserving the bascule drawbridge structural steel. The Lewis and Clark Bridge provides a vertical clearance of 17.3 feet above mean high water when in the closed-to-navigation position. The normal operating schedule of the Oregon State highway bridge can be found in 33 CFR 117.899(c). This deviation period is from 7 a.m. on May 11, 2015 to 5 p.m. on August 30, 2015. The deviation allows the bascule span of the Lewis and Clark Bridge to remain in the closed-to-navigation position Monday through Friday except to open the span(s) on Mondays from 7 a.m. to 4 p.m. with a three-hour advance notice. The bridge will operate as normal on Saturday and Sunday. Waterway usage on the Lewis and Clark River is primarily small recreational boaters and fishing vessels transiting to and from Fred Wahl Marine Construction Inc.

The bascule spans of the bridge will have a containment system installed which will reduce the vertical clearance navigation clearance by 5 feet from 17.3 feet above mean high water to 12.3 feet above mean high water. Vessels able to pass through the bridge in the closed positions may do so at anytime. The bridge will be able to open for emergencies if a three-hour notice is given from 7 a.m. to 5 p.m. Monday through Friday; on Saturdays and Sundays the bridge will be able to open in accordance with 33 CFR 117.899(c), and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: April 21, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2015–09788 Filed 4–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0295]

RIN 1625–AA00; 1625–AA11

Safety Zones and Regulated Navigation Area; Shell Arctic Drilling/ Exploration Vessels and Associated Voluntary First Amendment Area, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones around each vessel associated with Royal Dutch Shell's (Shell) planned Arctic oil drilling and exploration operations, and any vessel actively engaged in towing or escorting those vessels, while located in the U.S. Territorial and Internal Waters of the Sector Puget Sound Captain of the Port Zone. In addition, the Coast Guard is establishing a regulated navigation area to designate a Voluntary First Amendment Area for individuals that desire to exercise their First Amendment free speech rights with regards to Shell's operations. The safety zones and regulated navigation area created by this rule are necessary to ensure the mutual safety of all waterways users including the specified vessels and those individuals that desire to exercise their First Amendment rights.

DATES: This rule is effective without actual notice from April 28, 2015 until June 30, 2015. For the purposes of enforcement, actual notice will be used from the date the rule was signed, April 15, 2015, until April 28, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2015–0295 to view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or

email Lieutenant Matthew Beck, Waterways Management Division, Coast Guard Sector Puget Sound; telephone (206) 217–6051, email *SectorPugetSoundWWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable since the regulation is immediately necessary to help ensure the safety of all waterway users including the specified vessels and those individuals that desire to exercise their First Amendment rights and holding a notice and comment period at this time would delay regulatory implementation beyond the arrival of the Shell contracted vessel ''BLUE MARLIN'' and expected start of First Amendment activities regarding Shell's operations, thereby increasing the safety risk to all waterways users.

Current projections indicate that the BLUE MARLIN will arrive in U.S. Territorial Waters in the vicinity of Puget Sound on or about April 17, 2015. Of particular note, Greenpeace international members boarded the BLUE MARLIN at sea without authorization. They have since departed the vessel but may seek to re-board and subsequently remain aboard when the vessel enters U.S. jurisdiction. Additionally, environmental groups have announced an intention to form a ''kayak flotilla'' in the Puget Sound to exercise their First Amendment rights regarding Shell's operations in the region, making this regulation time critical to helping ensure maritime safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For reasons identical to those described above, delaying the effective date until 30 days after publication would be impracticable since the regulation is immediately necessary to help ensure the safety of all waterway users.

B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

Shell is planning Arctic oil drilling and exploration operations for the spring and summer of 2015. In preparation for those operations, it is staging a large number of vessels in the Puget Sound area. Recently, it has come to the Coast Guard's attention that a significant amount of First Amendment activity related to Shell's operations is likely to occur in the Puget Sound. We also note that First Amendment activity has already included the unauthorized boarding of a Shell vessel on the high seas by Greenpeace members and the formation of a ''kayak flotilla'' in the Puget Sound to advocate against Shell's operations in the region. Draft restrictions, vessel maneuvering characteristics, and geographic/environmental conditions may constrain the ability of large commercial vessels (the Shell-contracted vessels) to maneuver in close quarters with other vessels, particularly small craft piloted by recreational operators. Intentional close-in interaction of these vessels will create an increased risk of collision, grounding, or personal injury for all parties. Furthermore, while moored or at anchor the vessels will have ongoing operations occurring onboard, some of which could pose a safety risk to other maritime traffic, including, for example, the offloading of the POLAR PIONEER from the BLUE MARLIN. The myriad of potential safety risks to all parties and the port itself is best addressed by mandating a minimum zone of separation. For these reasons, the Coast Guard believes that safety zones around the Shell-contracted vessels are necessary to ensure the safety of all waterways users.

Additionally, the Coast Guard believes that given the nature of the First Amendment activity expected and the likely type of vessels used by individuals desiring to express their First Amendment rights, namely kayaks and other small vessels, a regulated navigation area designating a Voluntary First Amendment Area is necessary to ensure the safety of those vessels and persons. The regulated navigation area encompassing the Voluntary First Amendment Area would do so by establishing it as a ''no wake'' area, which is particularly important for small boats such as kayaks, to better enable persons and vessels to congregate and exercise their First Amendment rights safely and without interference from or interfering with other maritime traffic.

C. Discussion of the Final Rule

In this rule, the Coast Guard is establishing safety zones around specified vessels related to Shell's Arctic oil drilling and exploration operations, and a regulated navigation area for a Voluntary Free Speech Area that will allow individuals a meaningful opportunity to be heard in exercising their First Amendment rights while not compromising the safety of maritime traffic or the individuals exercising their First Amendment rights.

The safety zones are established in subsection (a) of this temporary regulation. Per subsection (a)(1)(i), while transiting, the safety zone around each of the vessels will encompass all waters within 500 yards of the vessel in all directions. Per subsection (a)(1)(ii), while moored or anchored, the safety zone around each of the vessels will encompass all waters within 100 yards of the vessel in all directions. Persons and/or vessels that desire to enter these safety zones must request permission to do so from the Captain of the Port, Puget Sound by contacting the Joint Harbor Operations Center at 206–217–6001, or the on-scene Law Enforcement patrol craft, if any, via VHF–FM CH 16.

The Coast Guard is also establishing a regulated navigation area to ensure the safety of individuals that desire to exercise their First Amendment rights related to Shell's activities in subsection (b) of this regulation. The Voluntary First Amendment Area is being established in an area where we believe individuals will be able to effectively communicate their message, without posing an undue risk to maritime safety, after analyzing maritime traffic patterns and other environmental factors as well as meeting with some groups who have expressed a desire to exercise their First Amendment rights. The regulated navigation area encompassing the Voluntary First Amendment Area will ensure the safety of small boats by establishing it as a ''no wake'' area for persons and/or vessels to congregate

and exercise their First Amendment rights safely and without interference from or interfering with other maritime traffic. The ''no wake'' provisions will ensure all interactions between vessels within the area occur at a low rate of speed, thereby reducing risk of collision and personal injury. Likewise, the designation of a Voluntary First Amendment Area will help to ensure that a large congregation of vessels does not impede or endanger other commercial and recreational users who are not associated with Shell's arctic drilling and exploration operations or the associated First Amendment activity.

These provisions are particularly vital given the expected presence of the ''kayak flotilla'' described above. Persons or vessels desiring to exercise their First Amendment rights to free speech regarding Shell's Arctic drilling and exploration operations may enter the regulated navigation area at any time. All other persons or vessels are advised to avoid the regulated navigation area. When inside the regulated navigation area, all vessels must proceed at ''no wake'' speed and with due regard for all other persons and/or vessels inside the regulated navigation area.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This rule is not a significant regulatory action as the safety zones and regulated navigation area are limited in both size and duration and any person and/or vessel needing to transit through the safety zones or regulated navigation area may be allowed to do so in accordance with the regulatory provisions.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the affected waterways when the safety zones and regulated navigation areas are in effect. The safety zones and regulated navigation areas will not have a significant economic impact on a substantial number of small entities, however, because the safety zones and regulated navigation area are limited in both size and duration and any person and/or vessel needing to transit through the safety zones or regulated navigation area may be allowed to do so in accordance with the regulatory provisions.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. First Amendment Activities

The Coast Guard respects the First Amendment rights of all individuals. This regulation establishes a regulated navigation area to create a Voluntary First Amendment Area so that persons and vessels can congregate and exercise their First Amendment free speech rights safely and without interference from or interfering with other maritime traffic. Of particular note, large vessels operating in restricted waters cannot maneuver freely, nor can they stop immediately. As such, any First Amendment activity taking place in immediate proximity to such vessels can quickly result in extremis. The Voluntary First Amendment Area has been located to allow individuals a meaningful opportunity to be heard. Individuals that desire to exercise their First Amendment rights are asked utilize the designated area to the extent possible, however, its use is voluntary. Individuals that desire to exercise their First Amendment rights outside the designated area are requested to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate their activities so that their message can be heard, without jeopardizing the safety or security of people, places, or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of temporary safety zones and a regulated navigation area to deal with an emergency situation that is one week or longer in duration. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–289 to read as follows:

§ 165.T13–289 Safety Zones and Regulated Navigation Area; Shell Arctic Drilling/ Exploration Vessels and Associated Voluntary First Amendment Area, Puget Sound, WA.

(a) *Safety zones*—(1) *Location.* The following areas are designated as safety zones:

(i) All waters within 500 yards of the following vessels while transiting within the U.S. Territorial or Internal Waters of the Sector Puget Sound Captain of the Port Zone as defined in 33 CFR 3.65–10: NOBLE DISCOVERER, BLUE MARLIN, POLAR PIONEER, AIVIQ, FENNICA, NORDICA, ROSS CHOUEST, TOR VIKING, OCEAN WIND, OCEAN WAVE, HARVEY SISUAQ, HARVEY CHAMPION, HARVEY SUPPORTER, HARVEY EXPLORER, NANUQ, GUARDSMAN, KLAMATH, PT OLIKTOK, ARCTIC ENDEAVOR, CORBIN FOSS, ACS, ARCTIC CHALLENGER, ARCTIC SEAL, CROWLEY DIANA G, LAUREN FOSS, TUUQ, BARBARA FOSS, AMERICAN TRADER, and any other vessel actively engaged in towing or escorting those vessels.

(ii) All waters within 100 yards of the following vessels while moored or anchored within the U.S. Territorial or Internal Waters of the Sector Puget Sound Captain of the Port Zone as defined in 33 CFR 3.65–10: NOBLE DISCOVERER, BLUE MARLIN, POLAR PIONEER, AIVIQ, FENNICA, NORDICA, ROSS CHOUEST, TOR VIKING, OCEAN WIND, OCEAN WAVE, HARVEY SISUAQ, HARVEY CHAMPION, HARVEY SUPPORTER, HARVEY EXPLORER, NANUQ, GUARDSMAN, KLAMATH, PT OLIKTOK, ARCTIC ENDEAVOR, CORBIN FOSS, ACS, ARCTIC CHALLENGER, ARCTIC SEAL, CROWLEY DIANA G, LAUREN FOSS, TUUQ, BARBARA FOSS, AMERICAN TRADER, and any other vessel actively engaged in towing or escorting the listed vessels.

(2) *Regulations.* In accordance with the general regulations in subpart C of this part, no persons or vessels may enter these safety zones unless authorized by the Captain of the Port, Puget Sound or his designated representative. To request permission to enter one of these safety zones contact the Joint Harbor Operations Center at 206–217–6001, or the on-scene Law Enforcement patrol craft, if any, via VHF–FM CH 16. If permission for entry into one of these safety zones is granted, vessels must proceed at a minimum speed for safe navigation.

(b) *Regulated navigation area*—(1) *Location.* The following area is designated as a regulated navigation area: All waters of Elliot Bay encompassed by lines connecting the following points located between Seacrest Park and Terminal 5: 47°35′20.47″ N., 122°21′53.32″ W.; thence south to 47°35′11.54″ N., 122°21′53.24″ W.; thence west to 47°35′11.47″ N., 122°22′26.44″ W.; thence north to 47°35′20.47″ N., 122°22′26.40″ W.; thence back to the point of origin.

(2) *Regulations.* In accordance with the general regulations in subpart B of this part, persons or vessels desiring to exercise their First Amendment right to free speech regarding Royal Dutch Shell's Arctic drilling and exploration operations may enter the regulated navigation area at any time. All other persons or vessels are advised to avoid the regulated navigation area. When inside the regulated navigation area, all vessels must proceed at no wake speed and with due regard for all other persons and/or vessels inside the regulated navigation area.

(c) *Dates.* This rule will be enforced from April 15, 2015, through June 30, 2015.

Dated: *April 15, 2015.*

D.L. Cottrell,

Captain, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District.

[FR Doc. 2015–09858 Filed 4–27–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0525; FRL–9926–79–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle-York Nonattainment Areas to Attainment for the 1997 Annual and the 2006 24-Hour Fine Particulate Matter Standard; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects errors in the rule language of a final rule pertaining to the Commonwealth of Pennsylvania's requests to redesignate to attainment the Harrisburg-Lebanon-Carlisle and York nonattainment areas for the 1997 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS) and the Harrisburg-Lebanon-Carlisle-York 2006 24-hour $PM_{2.5}$ NAAQS nonattainment area, which was published in the **Federal Register** on Tuesday, December 8, 2014 (79 FR 72552).

DATES: This document is effective on April 28, 2015.

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

SUPPLEMENTARY INFORMATION: On December 8, 2014, (79 FR 72552), the Environmental Protection Agency (EPA) published a final rulemaking action announcing the approval of Pennsylvania's requests to redesignate to attainment the Harrisburg-Lebanon-Carlisle and York nonattainment areas for the 1997 annual $PM_{2.5}$ NAAQS and the Harrisburg-Lebanon-Carlisle-York 2006 24-hour $PM_{2.5}$ NAAQS nonattainment area.

Need for Correction

As published, the final redesignation contains errors. EPA inadvertently did not include a table for the 2017 and 2025 $PM_{2.5}$ and nitrogen oxides (NO_X) motor vehicle emissions budgets (MVEBs) for the 1997 annual $PM_{2.5}$ NAAQS for Lebanon County. The Harrisburg-Lebanon-Carlisle Area is comprised of Cumberland, Dauphin and Lebanon Counties. This action corrects the title of the table entitled, ''Harrisburg-Lebanon-Carlisle Area's Motor Vehicle Emissions Budget for the 1997 Annual $PM_{2.5}$ NAAQS in tons per year,'' to add ''for Cumberland and Dauphin Counties'' and adds a table for the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the 1997 annual $PM_{2.5}$ NAAQS for Lebanon County.

List of Subjects in 40 CFR Part 52

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

Dated: April 16, 2015.

William C. Early,

Acting Regional Administrator, EPA Region III.

Accordingly, 40 CFR part 52 is corrected by making the following correcting amendments:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. Section 52.2059 paragraph (k) is amended:

■ a. In the table heading by revising the heading to the second table; and

■ b. By adding a third table at end of paragraph (k).

The revision and addition read as follows:

§ 52.2059 Control strategy: Particular matter.

* * * * *

(k) * * *

Harrisburg-Lebanon-Carlisle Area's Motor Vehicle Emission Budgets for Cumberland and Dauphin Counties for the 1997 Annual $PM_{2.5}$ NAAQS in Tons per Year

* * * * *

HARRISBURG-LEBANON-CARLISLE AREA'S MOTOR VEHICLE EMISSION BUDGETS FOR LEBANON COUNTY FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS IN TONS PER YEAR

Type of control strategy SIP	Year	$PM_{2.5}$	NO_X	Effective date of SIP approval
Maintenance Plan	2017	76	2,252	12/08/14
	2025	52	1,446	12/08/14

* * * * *

[FR Doc. 2015–09771 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0873; FRL–9926–19–Region 9]

Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from solvent cleaning and degreasing operations. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on June 29, 2015 without further notice, unless EPA receives adverse comments by May 28, 2015. If we receive such comments, we will publish a timely withdrawal in the

Federal Register to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0873 by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

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

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972–3024 *lazarus.arnold@epa.gov.*

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

Table of Contents

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

I. The State's Submittal

A. What rules did the State submit?

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

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted/ Revised	Rescinded	Submitted
YSAQMD	1.1	General Provisions and Definitions	5/8/2013	N/A	2/10/14
YSAQMD	2.13	Organic Solvents (Rescinded)	5/25/94	*9/4/14	
YSAQMD	2.15	Disposal and Evaporation of Solvents (Rescinded)	1978	*9/4/14	
YSAQMD	2.24	Solvent Cleaning Operations (Degreasing) (Rescinded)	11/14/90	*9/4/14	
YSAQMD	2.31	Solvent Cleaning and Degreasing	5/8/13	N/A	2/10/14

*See letter from Mat Ehrhardt, Executive Director, YSAQMD to Kurt Karperos, Chief, Air Quality Planning and Science Division, California Air Resources Board, requesting that YSAQMD Rules 2.13, 2.15 and 2.24 be withdrawn from the California SIP.

On May 5, 2014, EPA determined that the submittal for YSAQMD Rules 1.1 and 2.31 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There are previous versions of Rules 1.1 and 2.31 in the SIP. YSAQMD adopted earlier versions of these rules on August 13, 1997 and April 27, 1994 respectively, and CARB submitted them to us on July 26, 2000 and November 30, 1994 respectively. We approved these versions of Rule 1.1 and 2.31 into the SIP on March 22, 2004 (69 FR 13234) and April 2, 1999 (64 FR 15922) respectively.

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

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Rule 1.1—''General Provisions and Definitions,'' contains definitions for specific terms applicable to all District rules. The revisions include additions to the exempt organic compound definition to coincide with those that EPA has determined to have negligible photochemical reactivity as listed in Title 40 of the Code of Federal Regulations Part 51.100 (40 CFR 51.100.) Rule 2.31, ''Solvent Cleaning and Degreasing'' establishes VOC limits and workplace requirements for cleaning and degreasing products sold, distributed or used within the District. It also prescribes administrative requirements for recordkeeping and test methods. YSAQMD has rescinded Rule 2.13, ''Organic Solvents,'' Rule 2.15 ''Disposal and Evaporation of Solvents,'' and Rule 2.24, ''Solvent Cleaning Operations (Degreasing)'' because the requirements of those rules are now included in the revised Rule 2.31, ''Solvent Cleaning and Degreasing'' and had they not been rescinded, there would have been redundancies between them and Rule 2.31. EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each VOC major source in ozone nonattainment areas classified as moderate or above (see sections 182(b)(2) and 182(f)), and must not relax existing requirements (see sections

110(l) and 193). The YSAQMD regulates an ozone nonattainment area classified as Severe for the 8-hour ozone (NAAQS 40 CFR part 81.305), so Rules 1.1 and 2.31 must be consistent with RACT requirements.

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

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

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

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

4. Control of Volatile Organic Emissions from Solvent Metal Cleaning'' EPA–450/2–77–022, November 1977.

5. ''Control Technique Guidelines for Industrial Cleaning Solvents'' EPA–453/R–06–001, September 2006.

6. ''Control Technique Guidelines for Flexible Package Printing'' EPA 453/R–06–003, September 2006.

7. ''Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace manufacturing and Rework Operations'' EPA–453/R–97–004, December 1997.

8. CARB's RACT/BARCT guidance titled, ''Organic Solvent Cleaning and Degreasing Operations'' (July 18, 1991)

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs 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 agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving submitted YSAQMD Rules 1.1 and 2.31 for incorporation into the SIP and to replace in the SIP YSAQMD Rules 2.13, 2.15, 2.24, because we believe action on these rules fulfills all relevant requirements. We are also removing YSAQMD rules 2.13, 2.15 and 2.24 from the SIP because 2.31 contains more stringent requirements and eliminates redundancies. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing the same action on these rules. If we receive adverse comments by May 28, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on June 29, 2015. This will incorporate YSAQMD Rules 1.1 and 2.31 and replace YSAQMD Rules 2.13, 2.15 and 2.24 into the federally enforceable SIP.

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

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, 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, 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 29, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

Parties with objections to this direct final rule are encouraged to file a

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

List of Subjects in 40 CFR Part 52

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

Dated: March 30, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220, is amended by adding paragraph (c)(442)(i)(F) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(442) * * *

(i) * * *

(F) Yolo-Solano Air Quality Management District.

(1) Rule 1.1, ''General Provisions and Definitions,'' revised on May 8, 2013.

(2) Rule 2.31, ''Solvent Cleaning and Degreasing,'' revised on May 8, 2013.

* * * * *

[FR Doc. 2015–09737 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[WT Docket No. 12–40; RM 11510; FCC 14–181]

Reform of Rules Governing the 800 MHz Cellular Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Report and Order,* WT Docket No. 12–40, RM 11510, FCC 14–181. This document is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: 47 CFR 22.165(e), 22.948, and 22.953, published at 79 FR 72143, December 5, 2014, are effective on May 19, 2015.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on March 31, 2015, April 9, 2015, and April 20, 2015, OMB approved the revised information collection requirements contained in the Commission's *Report and Order,* FCC 14–181, published at 79 FR 72143, December 5, 2014. The OMB Control Numbers are 3060–0508, 3060–0800, and 3060–1058. The Commission publishes this document as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Numbers, 3060–0508, 3060–0800, and 3060–1058 in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on March 31, 2015, April 9, 2015, and April 20, 2015, for the revised information collection requirements contained in the Commission's rules at 47 CFR 22.165(e), 22.948, and 22.953.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–0508, 3060–0800, and 3060–1058.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0508.

OMB Approval Date: April 9, 2015.

OMB Expiration Date: April 30, 2018.

Title: Parts 1 and 22 Reporting and Recordkeeping Requirements.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Individuals or households, and State, Local or Tribal Governments.

Number of Respondents and Responses: 15,713 respondents; 15,713 responses.

Estimated Time per Response: 15 minutes–10 hours.

Frequency of Response: Recordkeeping requirement; On occasion, quarterly, and semi-annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 222, 303, 309 and 332.

Total Annual Burden: 4,894 hours.

Annual Cost Burden: $19,445,250.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential

treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Federal Communications Commission (Commission) received approval for a revision of OMB Control No. 3060–0508 from the Office of Management and Budget (OMB). The purpose of this revision was to obtain OMB approval of rules applicable to Part 22 800 MHz Cellular Radiotelephone (''Cellular'') Service licensees and applicants, as adopted by the Commission in a Report and Order (*Report and Order*) on November 7, 2014 (WT Docket No. 12–40; RM No. 11510; FCC 14–181). By the *Report and Order,* the Commission eliminates or streamlines certain Cellular Service filing requirements, thereby reducing the information collection burdens for Cellular Service respondents.

The information collected is used to determine, on a case-by-case basis, whether or not to grant licenses authorizing construction and operation of wireless telecommunications facilities to common carriers. Further, this information is used to develop statistics about the demand for various wireless licenses and/or the licensing process itself, and occasionally for rule enforcement purposes.

OMB Control No.: 3060–0800.

OMB Approval Date: March 31, 2015.

OMB Expiration Date: March 31, 2018.

Title: FCC Application for Assignments of Authorization and Transfers of Control: Wireless Telecommunications Bureau and/or Public Safety and Homeland Security Bureau.

Form No.: FCC Form 603.

Respondents: Individuals or households; business or other for-profit entities; not-for-profit institutions; State, local or Tribal Government.

Number of Respondents and Responses: 2,447 respondents; 2,447 responses.

Estimated Time per Response: 0.5–1.75 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 4(i), 154(i), 303(r) and 309(j).

Total Annual Burden: 2,759 hours.

Total Annual Cost: $366,975.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Privacy Act Impact Assessment: Yes.

Needs and Uses: FCC Form 603 is a multi-purpose form used to apply for approval of assignment or transfer of control of licenses in the wireless services. The Federal Communications Commission (Commission) received approval for a revision of OMB Control No. 3060–0800 from the Office of Management and Budget (OMB). This revised information collection reflects changes in rules applicable to Part 22 800 MHz Cellular Radiotelephone (''Cellular'') Service licensees and applicants, as adopted by the Commission in a Report and Order (*Report and Order*) on November 7, 2014 (WT Docket No. 12–40; RM No. 11510; *FCC 14–181*). In addition to other rule revisions that do not affect this information collection, the Commission adopted a revised rule Section 22.948(a) to require the electronic submission of maps (in GIS format and PDF) when the Cellular applicant submits Form 603 to apply for Partitioning and Disaggregation. This requirement very slightly increases the total annual burden hours for this information collection. FCC Form 603 itself is not being revised.

The data collected on this form is used by the FCC to determine whether the public interest would be served by approval of the requested assignment or transfer. This form is also used to notify the Commission of consummated assignments and transfers of wireless and/or public safety licenses that have previously been consented to by the Commission or for which notification but not prior consent is required. This form is used by applicants/licensees in the Public Mobile Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Broadband Radio Services, Educational Radio Services, Fixed Microwave Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft).

The purpose of this form is to obtain information sufficient to identify the parties to the proposed assignment or transfer, establish the parties' basic eligibility and qualifications, classify the filing, and determine the nature of the proposed service. Various technical schedules are required along with the main form applicable to Auctioned Services, Partitioning and Disaggregation, Undefined Geographical Area Partitioning, Notification of Consummation or Request for Extension of Time for Consummation.

OMB Control No.: 3060–1058.

OMB Approval Date: April 20, 2015.

OMB Expiration Date: April 30, 2018.

Title: FCC Application or Notification for Spectrum Leasing Arrangement: Wireless Telecommunications Bureau and/or Public Safety and Homeland Security Bureau.

Form No.: FCC Form 608.

Respondents: Business or other for-profit entities; not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 991 respondents; 991 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Recordkeeping requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i), 154(j), 155, 158, 161, 301, 303(r), 308, 309, 310, 332 and 503.

Total Annual Burden: 996 hours.

Annual Cost Burden: $1,282,075.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: FCC Form 608 is a multipurpose form. It is used to provide notification or request approval for any spectrum leasing arrangement (''Lease'') entered into between an existing licensee in certain wireless services and a spectrum lessee. This form also is required to notify or request approval for any spectrum subleasing arrangement (''Sublease''). The Federal Communications Commission (Commission) received approval for a revision of OMB Control No. 3060–1058 from the Office of Management and Budget (OMB). The revised information collection reflects changes in rules applicable to Part 22 800 MHz Cellular Radiotelephone (''Cellular'') Service licensees and applicants, as adopted by the Commission in a Report and Order (''R&O'') on November 7, 2014 (WT Docket No. 12–40; RM No. 11510; FCC 14–181). In addition to other rule revisions that do not affect this information collection, the Commission adopted a revised rule Section 22.948(d) to require the electronic submission of maps (in GIS format and PDF) when the Cellular Service applicant submits Form

608. The requirement very slightly increases the total annual burden hours for this information collection. FCC Form 608 itself is not being revised.

The data collected on the form is used by the FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a licensee, lessee, or sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission's Rules).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–09830 Filed 4–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–255, RM–11742, DA 15–442]

Radio Broadcasting Services; Shelter Island, New York

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division amends the FM Table of Allotments, by allotting Channel 277A at Shelter Island, New York, as the community's first local service. A staff engineering analysis indicates that Channel 277A can be allotted to Shelter Island consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction located 12 kilometers (7.5 miles) south of the community. The reference coordinates are 40–57–54 NL and 72–22–59 WL.

DATES: *Effective:* May 25, 2015.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 14–255, adopted April 9, 2015, and released April 10, 2015. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Shelter Island, Channel 277A.

[FR Doc. 2015–09855 Filed 4–27–15; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 80, No. 81
Tuesday, April 28, 2015

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Document Number AMS–NOP–11–0009; NOP–11–04PR]

RIN 0581–AD08

National Organic Program; Origin of Livestock

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The U.S. Department of Agriculture's Agricultural Marketing Service (USDA AMS) proposes to amend the origin of livestock requirements for dairy animals under the USDA organic regulations. This proposed action would specify that a producer can transition dairy animals into organic production once. This proposed action would clarify that, after completion of this one-time transition, any new dairy animals that a producer adds to a dairy farm would need to be managed organically from the last third of gestation or sourced from dairy animals that already completed their transition into organic production. This proposed action would also clarify how breeder stock should be managed on organic livestock farms.

DATES: Comments must be received by July 27, 2015.

ADDRESSES: Interested parties may submit written comments on this proposed rule using one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Scott Updike, Agricultural Marketing Specialist, National Organic Program, USDA–AMS–NOP, Room 2646—So., Ag Stop 0268, 1400 Independence Ave. SW., Washington, DC 20250–0268.

Instructions: All submissions received must include the docket number AMS–NOP–11–0009; NOP–11–04PR, and/or Regulatory Information Number (RIN) 0581–AD08 for this rulemaking. Commenters should identify the topic and section of the proposed rule to which their comment refers. All commenters should refer to the GENERAL INFORMATION section for more information on preparing your comments. All comments received will be posted without change to *http://www.regulations.gov.*

Docket: For access to the docket, including background documents and comments received, go to *http://www.regulations.gov.* Comments submitted in response to this proposed rule will also be available for viewing in person at USDA–AMS, National Organic Program, Room 2646—South Building, 1400 Independence Ave. SW., Washington, DC, from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments received in response to this proposed rule are requested to make an appointment in advance by calling (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Andrew Perry, Director, Standards Division, Telephone: (202) 720–3252; Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Purpose of Proposed Rule

This proposed rule would create greater consistency in the implementation of a standard for the transition of dairy animals into organic production and for the management of breeder stock. AMS has determined that the current regulations regarding the transition of dairy animals and the management of breeder stock on organic operations need additional specificity and clarity to improve AMS' ability to efficiently administer the National Organic Program (NOP). A stated purpose of the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 6501–6522) is to assure consumers that organically produced products meet a consistent and uniform standard (7 U.S.C. 6501). This action would facilitate and improve compliance with and enforcement of the USDA organic regulations (7 CFR part 205) and maintain consumer trust in the consistency of the Organic seal.

B. Summary of Provisions

This proposed rule would update the regulation by explicitly requiring that milk or milk products labeled, sold or represented as organic be from dairy animals organically managed since at least the last third of gestation, with a one-time exception for transition. This exception would allow a producer, as defined by the regulations, to transition nonorganic dairy animals to organic milk production one time, under specific conditions.

This proposal would specify that a producer (*e.g.,* an individual or corporation starting or operating a dairy farm) could transition nonorganic dairy animals to organic milk production one time over a single twelve-month period. The proposal would require that all transitioning animals end the transition process at the same time. This twelve-month period is consistent with OFPA's requirement that there be a minimum period of one year of organic management before milk from dairy animals can be sold as organic (7 U.S.C. 6509(e)(2)).

This proposal would specify that, once the transition into organic production is complete, that a producer would not be allowed to conduct any additional transitions. After the transition, the producer would only be able to expand the number of dairy animals or replace culled dairy animals on any dairy farm in two ways: (1) Add dairy animals that had been under continuous organic management since the last third of gestation, or (2) add transitioned dairy animals that had already completed the transition on another dairy farm during that producer's one-time transition.

The proposal would define a dairy farm as a specific premises with a milking parlor where at least one lactating animal is milked. For the purpose of this definition, a milking parlor should be considered a physical structure (*e.g.,* barn, parlor) in which dairy animals are milked. Because the dairy farm definition, in part, drives the eligibility for a producer to transition animals to organic production, this action would mean that producers that only raise heifers for organic dairy farms would not be eligible to transition conventional animals to organic. Such producers do not milk animals and, therefore, would not be considered eligible for the one-time transition

exception. However, such producers could continue raising heifers for organic dairy farms as long as the animals were under continuous organic management from the last third of gestation.

This proposed rule reiterates that breeder stock may be brought from a nonorganic operation onto an organic operation at any time. While the regulations prohibit organic livestock from being removed and managed on a nonorganic operation and subsequently returned to an organic operation (*i.e.,* cycling in and out of organic production), this provision does not extend to nonorganic breeder stock that are themselves not certified or eligible for slaughter, sale, and labeling as organic. Further, OFPA specifically allows breeder stock to be purchased from any source if the stock is not in its last third of gestation. Consistent with OFPA and USDA organic regulations, a producer has flexibility in its sourcing and its management of nonorganic breeder stock after its organic calf is weaned and before it begins the last third of gestation for the next offspring. However, a producer must continue to prevent commingling of organic and nonorganic products and prevent contact of any organic production or products with prohibited substances (7 CFR 205.201(a)(5)). AMS is proposing additional provisions for organic management of breeder stock during the time when the breeder stock is directly contributing to the nourishment of organic offspring, from the last third of gestation through the end of the nursing period.

C. Costs and Benefits

AMS estimates the following costs and benefits of this proposed rule.

Costs (range)	Benefits
$288,000–$935,000 This range indicates the estimated costs for dairy producers to purchase organic replacement heifers instead of transitioned heifers. (AMS had no data to estimate costs for dairy sheep and goat farms) AMS believes the lower bound is a conservative estimate of the costs and actual costs could be less. The upper limit accounts for an assumed organic premium for organic heifers. The difference between the lower bound and upper limit is believed to be an intra-industry transfer of costs and benefits, not a net cost.	Will create a consistent, level playing field for all existing organic dairy producers, regardless of how they transitioned into organic production. Facilitates more consistent enforcement of organic dairy standards. Maintains consumer confidence in the USDA organic seal.

Table of Contents

I. General Information
A. Does this action apply to me?
B. What should I consider as I prepare my comments for AMS?
II. Background
A. Dairy Transition
B. Breeder Stock
C. Development of Existing Standards
D. Discussion of Past Comments Received
III. Overview of Proposed Amendments
A. Dairy Transition
i. Implementation Considerations
B. Breeder Stock
C. Additional Clarifications
D. Other Amendments Considered
IV. Related Documents
V. Statutory and Regulatory Authority
A. Executive Order 12866 and 13563
i. Need for the Rule
ii. Baseline
iii. Alternatives Considered
iv. Costs of Proposed Rule
v. Benefits of Proposed Rule
vi. Conclusions
B. Executive Order 12988
C. Regulatory Flexibility Act
D. Executive Order 13175
E. Paperwork Reduction Act
F. Civil Rights Impact Analysis
VI. List of Subjects in 7 CFR Part 205

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are engaged in the dairy industry. Potentially affected entities may include, but are not limited to:

- Individuals or business entities that are considering starting a new dairy farm and that plan to seek organic certification for that farm.
- Existing dairy farms that are currently certified organic under the USDA organic regulations.
- Existing conventional dairy farms that are considering converting their farm to certified organic production.
- Businesses engaged in raising heifers for sale to certified organic operations.
- Certifying agents accredited under the USDA organic regulations to certify organic livestock operations.
- Certifying agents accredited under the USDA organic regulations who may seek to certify transitioned dairy animals or transitional crops.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this section could also be affected. To determine whether you or your business may be affected by this action, you should carefully examine the proposed regulatory text. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

Your comments should clearly indicate whether or not they support the action being proposed for any or all of the items in this proposed rule. You should clearly indicate the reason(s) for the stated position. Your comments should also offer any recommended language changes that would be appropriate for your position. Please include relevant information and data to further support your position (*e.g.* scientific, environmental, industry impact information, *etc.*).

Specifically, AMS is requesting comments on the following topics:

1. The cost and benefit analysis presented, including assumptions and estimates, of limiting dairy transition to a one-time exception for a given producer;

2. Procedures that certifying agents would use under this proposal to determine whether a producer is eligible for the one-time transition; and

3. The proposed implementation approach for this rule.

II. Background

A. Dairy Transition

AMS' National Organic Program (NOP) is authorized by OFPA. Through the NOP, AMS oversees national standards for the production and handling of organically produced agricultural products. This action is being taken by AMS to create greater consistency in the implementation of the origin of livestock requirements for organic dairy animals, and to facilitate and improve compliance with and enforcement of the USDA organic regulations. This action is also being taken to satisfy consumer expectations

that organic livestock meet a consistent and uniform standard.

Section 6509 of OFPA authorizes the USDA to implement regulations regarding standards for organic livestock products, including the transition of dairy animals into organic production. OFPA establishes that in general, organic livestock will be managed organically since the last third of gestation (7 U.S.C. 6509(b)). As an exception for dairy animals, OFPA requires a minimum period of one year of organic management before milk from non-organic dairy animals can be sold as organic (7 U.S.C. 6509(e)(2)). OFPA also addresses the use of breeder stock on livestock farms (7 U.S.C. 6509(b)). Furthermore, OFPA authorizes the creation of the National Organic Standards Board (NOSB) to advise USDA about the implementation of standards and practices for organic production (7 U.S.C. 6518).

The USDA organic regulations regarding the origin of livestock (7 CFR 205.236(a)) require that all livestock products (*e.g.,* meat, fiber) sold, labeled, or represented as being organic must be from livestock under continuous organic management from the last third of gestation onward. For dairy animals, the USDA organic regulations provide an exception at section 205.236(a)(2) that allows for the transition of a dairy herd into organic production as long as they are under continuous organic management for the one-year period prior to production of organic milk or milk products. During this one-year period, dairy animals may consume crops and forage from land which is in the third year of organic management and included in the organic system plan, but has not yet been certified organic (7 CFR 205.236(a)(2)(i)). Section 205.236(a)(2)(iii) requires that once an entire distinct herd has transitioned to organic production, all dairy animals shall be managed organically from the last third of gestation.

While the regulations allow for the transition of a conventional herd to organic milk production after one year of organic management, the regulations do not define a herd. As such, stakeholders have interpreted the term ''herd'' in a variety of ways. For example, some operations and certifying agents consider a herd to include all of the animals on the farm, whereas others consider a herd to be a group of animals on a farm that are managed together over time.

Additionally, organic operations and certifying agents have interpreted the USDA organic regulations differently regarding when the transition of a herd into organic production should be considered complete. Some dairy operations continuously transition conventional dairy animals as new ''distinct'' herds into organic production. This can be a cost savings to a farmer because he or she does not have to purchase organic dairy animals to either expand their herd or replace their cull animals. Other dairy operations have only used the transition exception once when they initially converted a ''herd'' to organic production. Current practice also does not always align with the intent of the May 2003 NOSB recommendation and the regulations that dairy herd transition be used only one time, when a producer with a farm initially transitions from conventional to organic production. AMS is updating the transition exception through this proposed rulemaking.

In July 2013, the USDA Office of Inspector General (OIG) published an audit report on organic milk operations stating that certifying agents were interpreting the origin of livestock requirements differently.[1] According to the OIG report, three of the six certifiers interviewed by OIG allowed producers to continuously transition additional herds to organic milk production, while the other three certifiers did not permit this practice. OIG recommended that a proposed rule be issued to clarify the standard and ensure that all certifiers consistently apply and enforce the origin of livestock requirements. This proposed rule responds to the OIG finding on this issue.

B. Breeder Stock

OFPA states that breeder stock may be purchased from any source if such stock is not in the last third of gestation (7 U.S.C. 6509(b)). The USDA organic regulations define breeder stock as female livestock whose offspring may be incorporated into an organic operation at the time of their birth (7 CFR 205.2). OFPA and the regulations limit breeder stock to nonorganic females who may produce organic offspring if certain conditions are met. The regulations specify that such breeder stock may be brought from a nonorganic operation onto an organic operation at any time (7 CFR 205.236(a)(3)). If breeder stock is gestating and its offspring are to be raised as organic, the regulations require that the breeder stock be brought onto the facility no later than the last third of gestation and be under continuous organic management until the offspring are weaned from the breeder stock (7 CFR 205.236(a)).

Stakeholders, through public comment to the NOSB and comments to NOP have expressed concern that some operations may bring breeder stock onto an organic operation, manage them organically for the last third of gestation so that the breeder stock can produce organic offspring, and then return that breeder stock to nonorganic management. Some stakeholders, including the NOSB, have suggested that such a practice does not align with a regulatory provision that prohibits livestock removed from an organic operation and subsequently managed on a nonorganic operation to be sold, labeled, or represented as organically produced (section 205.236(b)).[2]

C. Development of Existing Standards

Between 1994 and 2006, the NOSB made six recommendations regarding origin of dairy animals; several of which included recommendations on the management of breeder stock.[3] Between 1997 and 2000, AMS issued two proposed rules and a final rule regarding national standards for production and handling of organic products, including livestock and their products. [4] [5] AMS also issued a proposed rule and final rule implementing congressional amendments to the OFPA regarding feed for transitioning dairy animals.[6] The NOSB as well as the public commented on these rulemakings with regard to the origin of livestock and exception for transition. Key points from these actions that led to the development of the existing standards on origin of livestock are summarized below.

(1) In June 1994, the NOSB recommended a series of provisions to address the source of livestock on organic farms. Within this recommendation, the NOSB stated that dairy stock be fed certified organic feeds and raised under organic management practices for not less than 12 months prior to the sale of their milk as organic.[7]

(2) On December 16, 1997, AMS responded to the June 1994 NOSB

[1] The July 2013 Office of Inspector General (OIG) audit report on organic milk operations may be accessed at the following Web site: *http://www.usda.gov/oig/webdocs/01601-0002-32.pdf.*

[2] National Organic Standards Board April 2003 Recommendation on Breeder Stock: Clarification of Rule. Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3104547.*

[3] A complete listing of related documents and NOSB recommendations is found in Section III below.

[4] 62 FR 65850; 65 FR 13512.

[5] 65 FR 80548.

[6] 71 FR 32803.

[7] NOSB Final Recommendation, 2 June 1994. Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=stelprdc5058940.*

recommendation through publication of a proposed rule.[8] The language contained within that proposed rule echoed the NOSB's recommendation. The proposal would have required that dairy animals must be on a certified organic facility beginning no later than 12 months prior to the production of milk or milk products sold, labeled, or represented as organic. The 1997 proposed rule also proposed that all feed provided to organic dairy livestock consist of organically produced and handled agricultural products, including pasture and forage. However, the proposed rule included a provision to allow nonorganic feed up to a maximum of 20 percent of the animal's diet. The 20 percent level was roughly representative of the nutrients provided from supplemental grain feeding, in addition to nutrients provided by pasture and forage. The proposed language also contained a provision that, if necessary, a herd of dairy livestock converting to organic management for the first time could be provided with nonorganic feed until 90 days prior to the production of organic milk or milk products. This proposed rule was never finalized.[9]

(3) In March 1998, the NOSB provided a second recommendation reaffirming its 1994 recommendation on the source of livestock.[10] The March 1998 NOSB recommendation also recommended that livestock comprising part of a mixed crop/livestock operation should qualify to be certified organic at the end of the transition period.

(4) On March 13, 2000, AMS published a proposed rule that would establish the USDA organic regulations.[11] Within this proposed rule, AMS responded to the NOSB's March 1998 recommendation on the source of livestock. AMS proposed to require that livestock be under continuous organic management beginning no later than one year prior to the production of organic milk or milk products. Unlike AMS' 1997 proposal, the 2000 proposed rule did not include a provision for the allowance of nonorganic feed during the 12-month transition period.

(5) On June 12, 2000, the NOSB commented on the second proposed rule with respect to the origin of dairy livestock. The NOSB stated that livestock should be under organic management for one full year prior to the sale of organic milk with an exception for conversion of an entire, distinct herd into organic production. The NOSB laid out the following three conditions for conversion of a herd into organic production:

- For the first nine months of the final twelve-month dairy herd transition period, animals must be fed at least 80 percent feed that is either organic or self-raised transitional feed. The remaining 20 percent could be nonorganic during those nine months.
- For the final three months, animals must be fed 100 percent organic feed.
- Once a dairy operation has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation, except that transitional feed raised on the farm may be fed to young stock up to 12 months prior to milk production.

(6) On December 21, 2000, AMS published a final rule establishing the USDA organic regulations.[12] Through this action, AMS finalized the origin of livestock provision, including a requirement that organic milk be produced from animals under organic management beginning no later than one year prior to the production of milk or milk products sold, labeled, or represented as organic. The rule further incorporated the exceptions recommended by the NOSB by allowing 80 percent organic feed and 20 percent nonorganic feed (*i.e.,* the ''80/20'' rule) for transitioned animals. AMS did not include NOSB's recommendation allowing young stock to be fed transitional feeds. In the preamble to the final rule, AMS explained that such a provision would allow animals to transition at different times, rather than as a herd, thereby making it incompatible with the notion that the whole herd transition was a distinct one-time event.[13] AMS further described that the exception to transition is a one-time opportunity for producers to implement a conversion strategy for an established discrete dairy herd in conjunction with the land resources that sustain it. This rule went into effect on February 20, 2001, and was fully implemented on October 21, 2002.

(7) In October 2002, the NOSB recommended that all replacement and expansion dairy animals be raised as organic from the last third of gestation onward. The NOSB believed that this would ensure consistency with the current regulations at section 205.236(a)(2)(iii). Their recommendation also included a provision for breeder stock (7 CFR 205.236(a)(3)) requiring that breeder stock remain under organic management indefinitely after their introduction onto an organic farm; that is to say, the recommendation was to prohibit breeder stock from rotating in and out of organic management.

(8) In May 2003, the NOSB recommended that following a transition, all dairy livestock, including replacement stock, remain under organic management from the last third of gestation onward.[14] Concurrently, the NOSB made a separate recommendation regarding breeder stock.[15] They recommended a requirement for operations to continuously manage all breeder stock as organic if they were brought onto an organic farm to produce organic offspring. The NOSB further advocated that the NOP issue guidance in the form of questions and answers to clarify the management of breeder stock to the industry.

(9) In October 2003, a legal challenge was filed against USDA stating that, among other things, the OFPA required organic dairy animals be fed 100 percent organic feeds, and thus, the 80/20 rule for the transition of dairy animals was in violation of the statute.[16]

(10) On January 26, 2005, the U.S. Court of Appeals for the First Circuit issued a decision in the case.[17] The court upheld the USDA organic regulations in general, but remanded the case to the lower court, for, among other things, the entry of a declaratory judgment with respect to the 80/20 dairy transition allowance, then codified in section 205.236(a)(2)(i) of the regulations. The lower court found the 80/20 dairy transition provisions at section 205.236(a)(2)(i) to be contrary to the OFPA and in excess of the Secretary's rulemaking authority.[18]

[8] 62 FR 65850.

[9] Due to the volume and content of public comments submitted in response to the 1997 proposed rule, AMS withdrew the proposal and issued a second proposed rule prior to the final rule that established the National Organic Program (NOP) (published December 21, 2000).

[10] NOSB Committee Report and Adopted Recommendations, 16 March 1998. Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=stelprdc5058929.*

[11] 65 FR 13512.

[12] 65 FR 80548.

[13] 65 FR 80570.

[14] National Organic Standards Board May 2003 Recommendation on Origin of Livestock: Recommendation for Rule Change (document dated April 2003). Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3104546.*

[15] National Organic Standards Board May 2003 Recommendation on Breeder Stock: Clarification of Rule (document dated April 2003). Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3104547.*

[16] *Harvey* v. *Veneman,* 297 F.Supp. 2d 334 (D. Maine 2004).

[17] *Harvey* v. *Veneman,* 396 F.3d 28 (1st Cir. 2005).

[18] *Harvey* v. *Johanns.* Civil No. 02–216–P–H. Consent Final Judgment and Order, 9 June 2005. Available online at: *http://www.ams.usda.gov/*

(11) On November 10, 2005, Congress amended the OFPA to allow a special provision for transitioning dairy livestock to organic production (7 U.S.C. 6509(e)(2)(B)). This amendment provided a new provision to allow crops and forage from land included in the organic system plan of a farm that was in the third year of organic management to be consumed by the dairy animals on the farm during the 12 month period immediately prior to the sale of organic milk and milk products.

(12) On April 27, 2006, AMS published a proposed rule entitled ''Revisions to Livestock Standards Based on Court Order'' to address the November 2005 amendments to OFPA.[19] AMS received nearly 12,400 comments on the issue of dairy animal replacement during the comment period for this proposed rule. Additionally, in response to the April 13, 2006, advanced notice of proposed rulemaking on access to pasture, AMS received over 325 comments on the issue of dairy animal replacement.[20] Neither of these actions intended to address the dairy replacement or transition issue as an objective. Accordingly, the comments were not a part of subsequent rulemaking for either action as they were beyond the scope of these rules. They are, however, acknowledged and discussed in this proposed rule.

(13) On May 12, 2006, the NOSB commented on the ''Revisions to Livestock Standards Based on Court Order (Harvey v. Johanns) and 2005 Amendment to the Organic Foods Production Act of 1990'' proposed rule published April 27, 2006.[21] The NOSB amended its May 2003 dairy replacement recommendation to read: ''Once a dairy operation has been converted to organic production, all dairy animals, including all young stock whether born on or brought onto the operation, shall be under organic management from the last third of the mother's gestation.''

(14) On June 7, 2006, AMS published a final rule entitled ''Revisions to Livestock Standards Based on Court Order'' to implement the November 2005 statutory change.[22] The amendments reflected the new OFPA allowance permitting transitioning dairy animals to be fed feedstuffs from transitioning lands in their last of the three-year period (7 CFR 205.236(a)(2)(i)), as well as setting a termination date of June 9, 2007, for the existing 80/20 feed conversion rule (7 CFR 205.236(a)(2)(ii)). In the preamble to the 2006 final rule, AMS noted that additional clarity could be provided regarding the transition of dairy animals into organic production.

D. Discussion of Past Comments Received

The approximately 12,725 combined comments received on the April 2006 proposed rule addressing the court order and the April 2006 advanced notice of proposed rulemaking on access to pasture provided AMS with information needed to develop this proposed action. In general, comments requested greater clarity on the parameters for transitioning dairy animals into organic production, and called for elimination of the ''two-track'' system. The ''two-track'' system refers to an April 2003 NOP statement that once an entire, distinct herd transitioned using the 80/20 provision (20% nonorganic feed in the 12 months before milking), all offspring then had to be managed organically and no transitioned replacements could be purchased.[23] The NOP also stated that, for those that did not use the 80/20 provision, the dairy animals only needed to be under continuous organic management starting no later than 12 months prior to production (*i.e.,* producers could continue to transition animals into organic over time).

The majority of commenters stated that the ''two-track'' system could be addressed by conveying that, once a dairy operation is certified organic, regardless of how that operation transitioned into organic, all new dairy animals added to that operation should be managed organically from the last third of gestation. Commenters stated that this principle should apply to those animals born on the farm and those purchased as replacement and expansion animals to increase herd size.

Commenters stated that only allowing organic dairy operations to add animals who have been managed organically since the last third of gestation supports consumer confidence in the organic milk sector. They reiterated that consumers expect that organic milk is produced without the use of excluded methods and substances prohibited under the regulations (*i.e.,* hormones, antibiotics, and certain animal medications), and believe that greater clarity on how animals can transition into organic production is needed. Some commenters stressed that organic dairy products were keystone products for consumer confidence and a major stepping-stone to additional purchases in other organic categories.

Commenters stated that continued transition of conventional animals increases the supply of animals able to produce organic milk, depresses the value of organic heifers and limits the incentives to produce organic replacement animals. They also stated that the allowance to transition a large number of animals, rather than purchasing or raising animals as organic from last third of gestation, results in surplus organic heifer calves being sold into the conventional market. Some commenters stated that the practice of allowing some operations to transition conventional animals on a regular basis encouraged development of heifer development farms. They based this belief on the position that it is easier and cheaper to purchase transitioned animals from heifer development farms than it is to raise animals that are organic from birth. Commenters claimed that raising organic dairy animals is twice as expensive as raising conventional dairy animals during their first year of life. They contended that producers who sell organic calves and replace them with transitioned conventionally raised heifers, have an economic advantage over those who raise animals organically from birth, due to lower cost of conventional feed and ability to shorten the interval before milk production by purchasing older animals. Commenters believed that for the organic heifer market to develop, and for there to be more organic stock available at an appropriate market value, greater clarity is needed in the regulations to convey that organic heifers are required in every case, except for the one-time initial transition of a dairy operation.

At the time of the 2006 proposed rule, commenters stated that at least nine U.S.-based certifying agents were requiring the dairy operations they certified (approximately 1,100 certified and 150 transitioning operations) to manage all replacement dairy animals organically from the last third of gestation. This accounted for roughly 50% of the organic dairy operations at that time. Other certifying agents were allowing the other approximately 50% of dairy operations to transition conventional animals to organic on a continual basis. Commenters stressed that a main purpose of the OFPA was consumer assurance that organically produced products met a consistent

AMSv1.0/getfile?dDocName=STELDEV3013564&acct=noprulemaking.

[19] 71 FR 24820.

[20] 71 FR 19131.

[21] 71 FR 24820.

[22] 71 FR 32803.

[23] National Organic Program, Origin of Livestock Statement. April 11, 2003. Available online at *www.regulations.gov* under ''Related Documents'' for docket number AMS–NOP–11–0009.

standard and that the current origin of livestock standard needs further specificity to meet that purpose.

Since receiving these comments in response to the 2006 proposed rule, diverse stakeholders including trade associations, organic dairy producer groups, consumer organizations, and certifying agents continue to submit letters to NOP requesting greater clarity on the origin of livestock provisions of the regulations. In response to those requests, NOP engaged stakeholders in ongoing discussions over the last two years related to potential changes and any associated costs and benefits of these changes. AMS developed this proposed rule in response to the public comments and feedback we have received regarding the origin of livestock provisions.

III. Overview of Proposed Amendments

A. Dairy Transition

AMS is proposing to add five new terms: Organic management, dairy farm, transitioned animal, transitional crop, and third-year transitional crop to those defined at section 205.2. Organic management would be defined as management of an organic production or handling operation in compliance with all applicable production and handling provisions under the regulations. Stakeholders have questioned whether the term ''organic management'' in the regulations is related to compliance with the regulations or to some other generic use or understanding of the term. Providing a definition for this term would confirm that its use is directly tied to the regulations. For example, the regulations allow crops and forage in their third year of organic management to be fed to livestock transitioning to organic production. In the case of crops and forage in their third year of organic management, this means that the land they are grown on must meet certain requirements of the regulations as it transitions into certified organic production (*e.g.,* per section 205.202(b), no prohibited substances applied to land). Further, during the transition period for dairy animals, they must be under organic management in compliance with the regulations. This means producers need to meet all of the livestock requirements during that transition period (*e.g.,* per section 205.237, provide animals with a specified amount of dry matter from pasture during the farm's grazing season).

Under this proposal, AMS would define a dairy farm as a premises, which must have a milking parlor, where one or more lactating animals raised on that premises are milked. This definition is similar to the definitions of a dairy farm used by the AMS Dairy Grading Program.[24]

This proposal would define a transitioned animal to clarify which animals are eligible to produce organic milk, but are not eligible for certification as organic slaughter stock or eligible for certification for purpose of organic fiber production. This definition supports the current requirement that meat or fiber come from animals under continuous organic management since the last third of gestation (7 CFR 205.236(a)). The transitioned animal definition and its relevance to this action are discussed in more detail below.

This proposal would define a transitional crop as any agricultural crop or forage from land, included in the organic system plan of a producer's operation, that has had no application of prohibited substances within one year prior to harvest of the crop or forage. Based upon this definition, AMS would add a related definition for third-year transitional crop. A third-year transitional crop would be defined as crops and forage from land, included in the organic system plan of a producer's operation, that has had no application of prohibited substances within 2 years prior to harvest of the crop or forage. Third-year transitional crops need to meet all other requirements of the regulations (*e.g.,* soil fertility and crop nutrient management practice standard (section 205.203); use of organic seed if commercially available (section 205.204)). OFPA and the regulations currently allow producers to feed these third year transitional crops to dairy animals in transition (7 U.S.C. 6509(e)(2)(b); existing section 205.236(a)(2)(i)).

AMS is proposing to amend the introductory text at section 205.236(a)(2) to reflect that the one-time exception to transition to organic dairy production would be limited to a given producer. A producer is defined under the regulations as ''a person who engages in the business of growing or producing food, fiber, feed, and other agricultural-based consumer products'' (section 205.2). The regulations also define a person as an ''individual, partnership, corporation, association, cooperative or other entity'' (section 205.2). This definition is based on the definition of person under OFPA (7 U.S.C 6502(15)). A producer must be a person as described in section 205.2 to be eligible for a one-time transition. Because the one-time transition is tied to the producer (*i.e.,* a farm or business), employees of that producer are not themselves considered a producer utilizing a one-time transition. Under the proposal, such employees would retain their ability to establish a new business entity as a producer that may be eligible for its own one-time transition.

In addition, while the definition of person includes cooperatives, cooperatives would not themselves seek a one-time exception to transition animals into organic production. There are business entities, including cooperatives, within the organic dairy sector that are typically certified as organic handlers, not as organic producers, and who would not meet the definition of a dairy farm. Instead, these entities contract with multiple organic producers for their milk supply. Under this proposal, the eligibility for a one-time transition is tied to a producer, as specified on an organic certificate, and they would need to meet the definition of a dairy farm and other proposed requirements.

Dairy producers with multiple farms would need to make a decision about how to transition to organic production. Producers with multiple farms have a single twelve month period in which they may transition conventional dairy animals to organic milk production. During this transition period, these producers may transition all animals on all the farms, some of the animals on some of the farms, all the animals on one of the farms, or some of the animals on one of the farms. The producer would initiate the transition to organic milk production at least 12 months prior to completing the transition and obtaining organic certification. However, once the transition period ends, the producers may not themselves transition any additional animals into organic production. Instead, they would need to source animals as organically managed since the last third of gestation or those already transitioned to organic production on a different producer's dairy farm.

The proposed amendments would replace the current text at section 205.236(a)(2) to specify that each producer would be able to conduct one transition. To be eligible for a transition, the proposal language specifies that the producer must start a new organic dairy farm or transition an existing conventional dairy farm to organic certification. This transition would need to occur over a single, continuous 12-month period prior to production of milk or milk products that are to be sold, labeled, or represented as organic.

[24] USDA AMS. July 2011. Milk for Manufacturing Purposes and its Production and Processing. Recommended Requirements. Dairy Programs.

After completing a transition, that producer would not be able to transition any new animals into organic production.

For example, if producer A already completed a transition on dairy farm A, then producer A would not be eligible to transition animals into organic production on dairy farm B. Under this proposal, once a producer completes its transition of dairy animals into organic production, a producer would have two options for bringing any new dairy animals onto a producer's organic dairy farm(s) (whether for expansion or replacement purposes): (1) Add animals that are under continuous organic management from the last third of gestation; or (2) add transitioned animals sourced from a certified organic dairy producer.

Because the dairy farm definition, in part, would drive the eligibility for a producer to transition animals to organic production, producers that only raise heifers for organic dairy farms would not be eligible to transition conventional animals to organic. Such producers do not milk animals and, therefore, would not be eligible for a transition. Such producers could continue raising heifers for organic dairy farms as long as the animals were under continuous organic management from the last third of gestation.

AMS considered alternatives to our proposal that would link the transitioned exception to a producer. These alternatives included linking the one-time transition exception to a dairy farm, an operation, persons responsibly connected, and the current unit of regulation, a herd. We did not choose the dairy farm by itself as the criterion for eligibility to transition because it would allow a given producer to transition dairy animals on multiple dairy farms over time. This proposal was drafted to create greater consistency in the implementation of the transition mechanism so that it is not used as a continual means of producing organic milk without purchasing organic stock once a producer has converted to organic production. Furthermore, AMS could not identify how a producer and a certifying agent could verify that a transition had not already occurred on a given dairy farm. This would be especially difficult as time went on and a dairy farm may have changed ownership multiple times. By linking the transition to a given producer, a producer (*e.g.,* an individual or a corporation) can attest to a certifying agent as part of their application for certification that they have not already completed a dairy transition and certifying agents could verify such attestations by checking past certification records associated with that producer.

AMS also considered linking the transition exception to the operation. Based on stakeholder feedback and past NOSB recommendations, the term ''operation'' is used at times, as is the term ''producer'', to describe how a one-time exception to transition into organic dairy production could be structured. Upon review, AMS is proposing to link the transition to a given producer rather than an operation because both producer and person are already defined under OFPA and the implementing regulations.

Other stakeholders suggested limiting the transition such that after an operation completed its one-time transition, any persons responsibly connected to that operation could not transition additional animals into organic production. ''Responsibly connected'' is defined under the current regulations as ''any person who is a partner, officer, director, holder, manager, or owner of 10 percent or more of the voting stock of an applicant or a recipient of certification or accreditation'' (7 CFR 205.2). This approach would require a person with an operation to list all persons responsibly connected to that operation to document the relationship various individuals had to the dairy farm. This approach would be difficult to document and difficult for a certifier to verify for the purpose of certification. This approach also would be overly prescriptive. For example, under this approach, new managers on a farm, who had never been part of a transition, would be restricted from starting a new dairy farm on a different location and completing their own transition of dairy animals into organic production. This approach could also restrict the ability for children of organic dairy producers to transition animals into organic production. Children could be ''responsibly connected'' to their parents' farm if they served as managers or partners. If their parents had already completed a transition, then these children, who were managers or partners, could not transition any additional animals if they bought that farm because they would be considered ''responsibly connected'' to the parents' operation. For these reasons, AMS is not proposing this approach. Rather, under the proposed language that a one-time exception is tied to a given ''producer'', employees, such as managers or partners, including children, could start up a new business entity with a dairy farm and be eligible for their own one-time transition.

AMS also did not choose the current herd standard because a given operation can have a new herd every year, or even multiple per year, allowing farmers to transition new animals annually, if not more often. The intent of our proposal is to provide a clear, consistent standard that when implemented will reflect the NOSB recommendation to allow for a producer to use a one-time transition of animals into organic milk production. Providing a producer with a one-time exception to transition dairy animals to organic milk production best captures the intent of the NOSB's recommendation. It also supports the concept discussed in the 2000 final rule establishing the USDA organic regulations that transition to organic dairy should be a distinct, one-time event for a producer.[25]

Under the proposed amendments, any transition would need to meet certain conditions. Proposed section 205.236(a)(2)(i) would specify that dairy animals must be under continuous organic management during the 12-month transition period. This aligns with the provision in OFPA which requires that dairy animals be managed as organic for at least 12 months prior to the production of organic milk.[26] During the 12-month period, proposed section 205.236(a)(2)(ii) would specify that the producer should describe its transition approach as part of the organic system plan already required at section 205.200. Under existing section 205.401, the producer must submit this organic system plan as part of an application for certification to a certifying agent. We are proposing this provision to ensure that applicants for organic certification can demonstrate their ability to comply early on in the certification process. The intent is to support communication between the applicant and the certifying agent about the transition approach and to minimize situations in which a producer approaches a certifying agent after 12 months of transitioning animals only to realize that they did not complete the transition as specified in the regulations.

This proposal would make minor revisions to a provision under the current regulations that allows dairy animals undergoing transition to consume ''third-year'' crops. The proposed provision would appear at section 205.236(a)(2)(iii) and would specify that, during the 12-month transition, dairy animals may consume third-year transitional crops which this proposal would define at section 205.2.

[25] 65 FR 80569–80570.

[26] 7 U.S.C. 6509(e)(2)(A).

During the development of this proposed rule, the exception for transitioning dairy animals raised the question about the eligibility of those animals and their offspring for certification as organic slaughter stock or for the purpose of organic fiber. Third-year crops and forages are allowed by OFPA as feed for transitioned animals that will produce organic milk.[27] However, these crops are *not* yet certified organic and should be treated as nonorganic feeds when determining if an animal has been raised organically since the last third of gestation.

Therefore, to clarify the status of offspring born during and just after the transition period and whether they would be eligible for certification as organic slaughter stock or for organic fiber, AMS is proposing to add a definition for a transitioned animal at section 205.2. Transitioned animal would be defined as: (1) Any dairy animal that transitioned during the one-time transition exception to organic milk production after 12 months of continuous organic management; (2) any offspring born during or after the 12-month transition period to a transitioned animal that, during its last third of gestation, consumes crops and forages in the third year of organic management; or (3) any offspring born during the one-time transition exception that themselves consume crops and forages in the third year of organic management. The proposed definition specifies that such animals must not be sold, labeled, or represented as organic slaughter stock or for the purpose of organic fiber.[28] The current regulations already require that slaughter stock and livestock, with the exception of poultry and certain dairy animals, be under continuous organic management since the last third of gestation (7 CFR 205.236(a)). This proposed rule does not change, but rather reiterates how that requirement applies to animals that were part of a dairy transition. This term is used in proposed section 205.236(a)(2)(iv) which specifies that offspring must be considered transitioned animals if they were born during or after the 12-month dairy herd transition period and not fed certified organic feed from the last third of gestation onward.

For a producer and certifying agent to determine whether offspring is eligible for organic dairy, meat and/or fiber, the length of gestation for different dairy animals (*e.g.,* cows, goats, sheep) and feed source must be considered. For offspring to be certified organic for meat and fiber, it must be under continuous organic management, including receiving certified organic feed, from the last third of gestation (7 CFR 205.236(a)). This requirement is reiterated through proposed section 205.236(a)(2)(v). A practical summary of how certifying agents and producers would apply the proposed amendments about the status of offspring at sections 205.236(a)(2)(iv)–(v) is shown in Table 1.

TABLE 1—STATUS OF OFFSPRING PART OF A DAIRY TRANSITION

Type of feed consumed by offspring during transition or during its last third of gestation	Is it considered a transitioned animal?	Could it be certified to produce organic milk?	Could it be certified to produce organic meat or fiber?
Third year transitional crops	Yes	Yes	No.
Certified organic crops	No	Yes	Yes.

Proposed section 205.236(a)(2)(vi) would require that all dairy animals for a given producer end the transition at the same time. AMS considered allowing dairy animals to have staggered transition periods, but chose not to allow that option as it could complicate the transition process. As a practical matter, a staggered transition would create more difficulty in animal management for the producer since animal transitions would start and end at different times. Furthermore, it would require more advanced records management creating a greater burden on the producer, more difficulty in overseeing the process, and increased room for error or potential violation. If a producer wants to bring in additional animals after the producer completes its transition, then the producer may use breeder stock or source organic dairy animals (either last third gestation animals or transitioned animals from a certified organic dairy farm that already completed its transition). If a producer decides to increase the number of animals undergoing transition during a one-time transition period, then the producer could (1) source organic dairy animals, or (2) source nonorganic animals and extend the transition period for all animals undergoing transition such that they end their transition together after 12-months of organic management.

Proposed section 205.236(a)(2)(vii) would specify that dairy animals that completed the 12-month transition are transitioned animals as defined under section 205.2. In practical terms, this would mean that these dairy animals can produce organic milk, but are not eligible for certification as organic slaughter stock or for the purpose of organic fiber. This is consistent with the existing requirement at section 205.236(a) that, with the exception of poultry and dairy, livestock products must be from animals that are under continuous organic management since the last third of gestation.

Proposed section 205.236(a)(2)(viii) would specify that, after the 12 month transition period, transitioned animals may produce organic milk on any organic dairy farm as long as the animal is under continuous organic management at all times on a certified organic dairy farm. Movement of transitioned animals to other certified organic dairies would not affect the status of the animals to produce organic milk. Based on some stakeholder comments, AMS considered limiting transitioned animals to produce organic milk only on the dairy farm upon which they were transitioned. However, AMS believes that some movement or inter-farm sales of transitioned animals is reasonable and expected. For example, if an existing organic dairy producer purchased an adjoining organic farm, it may be necessary for that farmer's transitioned animals to leave their original premises of transition to take advantage of the new adjoining pastureland. Similarly, if an organic dairy producer wanted to move his/her operation to an updated organic facility on another property, it would create an excessive burden if transitioned animals were not permitted to move to the new facility. This provision will also allow

[27] 7 U.S.C. 6509(e)(2)(B).

[28] Organic slaughter stock is defined in the regulations as any animal intended to be slaughtered for consumption by humans or other animals (7 CFR 205.2).

the transitioned dairy animals to continue producing organic milk if there is a change in ownership to a different producer, provided the dairy animals are under continuous organic management throughout this time.

AMS is also proposing new section 205.236(ix) to specify that, after the 12-month period ends, any new dairy animal brought onto a producer's dairy farm(s) must be an animal under continuous organic management from the last third of gestation or a transitioned animal sourced from a certified organic dairy farm. This provision would ensure that, after a producer completes one transition on a dairy farm, that producer would not be allowed to themselves transition additional dairy animals into organic production on any dairy farm. This requirement supports the NOSB's intent that transition should be a one-time event for producers to transition to organic dairy and is intended to create one standard that would be equally applied to all dairy operations once they have transitioned to certified organic production.

Implementation Considerations

Certifying agents would have certain responsibilities under this proposed rule. Certifying agents would need to:

- Establish and maintain procedures for determining whether or not a producer (*e.g.* a new applicant for certification) is eligible to transition dairy animals into organic production and for determining whether offspring that are part of a transition are eligible to produce organic milk, meat or fiber;
- Ensure that certified organic dairy producers maintain sufficient records (7 CFR 205.103) to identify all organically managed animals, including whether they are transitioned animals and, thus, not eligible for certification as organic slaughter stock (7 CFR 205.236(b)(2) and 205.236(c));
- Hire and/or train sufficient, qualified staff (7 CFR 205.501(a)(4)) to examine production and certification history of certified organic dairy producers or applicants for certification which involve the transition of dairy animals from conventional to organic production; and
- Maintain records of applications for certification or certified operations, including records pertaining to the origin of all livestock, for at least 10 years from the date of their creation, pursuant to section 205.510(b)(2).

Certifying agents already address many of these responsibilities through the current regulations. For example, certifying agents should have procedures in place to ensure that operations identify whether dairy animals are organically managed from the last third of gestation and, thus, potentially eligible for certification as organic slaughter stock, or transitioned into organic production, and, thus, not eligible as organic slaughter stock (section 205.236(b)(2) and (c)). The primary new responsibility for certifying agents will be establishing and implementing a procedure for determining whether a producer is eligible for a one-time transition. AMS is seeking comments from certifying agents on how these responsibilities are best implemented given the proposed action.

In addition, organic livestock producers are already required to maintain records that fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited (7 CFR 205.103(b)(2)). Under existing regulation, section 205.236(c), organic producers must already maintain records sufficient to preserve the identity of all organically managed animals. Examples of records to verify compliance with the origin of livestock requirements include livestock purchase records, organic certificates for livestock purchased as organic, animal reproduction: breeding, birth and/or hatch records, and herd conversion/organic management records.[29] Under this proposed rule, organic dairy producers would need to maintain the same records. There are no new records that would be required under this proposal. In accordance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) that implement the Paperwork Reduction Act (44 U.S.C. 3501–3520) (PRA), the information collection requirements associated with the NOP, including the recordkeeping and reporting requirements related to origin of livestock, have been previously approved by OMB and assigned OMB control number 0581–0191.

AMS also recognizes that some producers and certifying agents will need time to implement any regulatory changes. Over the last several years, the NOSB and stakeholders have been engaged in extensive discussion about how organic dairies would need to change their practices as a result of any modification to the current USDA organic regulations. AMS is considering and seeking public comment on the following implementation proposal:

Producers who are certified as of the effective date for any final action would be allowed to complete any transition that was already approved under their organic system plan by a certifying agent. However, as of the effective date, producers who are certified would be required to source or raise any new animals from last third of gestation or source animals already transitioned under another producer's one-time exception. As of the effective date, producers who are new applicants for organic certification (*i.e.,* startup organic dairies or nonorganic dairies transitioning to organic production) would be allowed to use the transition exception once when first applying for organic certification.

Under the current regulations at section 205.672, organic dairy animals can return to organic milk production if a Federal or state emergency pest or disease treatment program requires use of a prohibited substance. This allowance for re-transition is independent of the transition exception being proposed here. A dairy farm, that had not used its one-time exception to transition based on section 205.236, would retain that one-time exception to transition even if the farm used the section 205.672 allowance to re-transition after an emergency pest or disease treatment.

Under the current regulations at section 205.290, organic producers, through their certifying agent, can request a temporary variance from the livestock practice standards for reasons such as natural disasters, severe weather and other business interruptions. The NOP Instruction on Processing Requests for Temporary Variances (NOP 2606)[30] clarifies the policy that variances will not be granted for feeding non-organic feed to livestock.

B. Breeder Stock

Under this proposal, AMS would restructure section 205.236(a)(3) to reiterate that breeder stock may be brought from a nonorganic operation onto an organic operation at any time and to further clarify how breeder stock should be managed for the purpose of producing organic offspring.

Consistent with an April 2003 NOSB recommendation on breeder stock, AMS considered amending the regulations at existing section 205.236(a)(3) to require that breeder stock that was brought onto an organic farm, but subsequently was removed from organic management, be prohibited from returning as breeder

[29] National Organic Program. March 2011. Organic Livestock Plan Template, Origin of Livestock: L2-page 1. Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5091032.*

[30] NOP 2606. July 22, 2011. Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5087115.*

stock for the purpose of organic production. The NOSB recommendation suggests that allowing breeder stock to return to organic management after a period of nonorganic management does not align with a regulatory provision that prohibits livestock removed from an organic operation and subsequently managed on a nonorganic operation to be sold, labeled, or represented as organically produced (7 CFR 205.236(b)).[31]

However, OFPA states that breeder stock may be purchased from any source (7 U.S.C. 6509(b)); there is no requirement in OFPA that the source be organic. Further, while the current regulations at section 205.236(b)(1) prohibit livestock from being removed and subsequently managed on a nonorganic operation (*i.e.,* cycling in and out of organic production), this provision does not extend to nonorganic breeder stock that are themselves not certified organic or eligible for slaughter, sale, and labeling as organic (7 CFR 205.236(b)(2)). Therefore, AMS does not believe that restrictions on how nonorganic breeder stock are managed outside of the last third of gestation through weaning of organic offspring are warranted.

At proposed sections 205.236(a)(3) and 205.236(a)(3)(i), AMS is reiterating that breeder stock may be brought from a nonorganic operation onto an organic operation at any time as long as such breeder stock are on the organic operation no later than the last third of gestation. In practical terms, this means that between the end of nursing its organic offspring and the beginning of the last third of gestation for the next organic offspring, nonorganic breeder stock may be managed as the producer chooses. If a producer is managing nonorganic breeder stock on its organic operation, the current regulations already require that they implement practices to prevent contact of organic animals with prohibited substances (*e.g.,* from certain fly tags that might be used with nonorganic breeder stock) (7 CFR 205.201(a)(5)).

AMS is proposing a provision related to organic management of breeder stock only when the breeder stock is directly contributing to the nourishment of organic offspring, from the last third of gestation through the end of the nursing period. Under proposed section 205.236(a)(3)(ii), such breeder stock would need to be managed organically throughout the last third of gestation and the lactation period during which time they may nurse their own offspring. Allowing organic calves to nurse on nonorganic breeder stock as long as they are all under organic management supports the natural behavior of the animals (7 CFR 205.239(a)). Breeder stock may not be used as nurse cows on dairy farms to be a source of milk for other organic calves, though inadvertent suckling by non-offspring would not cause loss of organic status to the calves.

C. Additional Clarifications

In conjunction with the proposed amendments discussed above, AMS is proposing additional amendments to provide greater clarity on the restrictions at sections 205.236(b)(1) and 205.236(b)(2). Section 205.236(b)(1) states that livestock or edible livestock products that are removed from an organic operation and subsequently managed on a nonorganic operation may not be sold, labeled, or represented as organically produced. We are proposing the addition of ''non-edible'' to this provision to specify that non-edible animal products, such as animal fiber, are also subject to this provision. Section 205.236(b)(2) is proposed to be amended to specify that transitioned animals must not be sold, labeled, or represented as organic slaughter stock. This change is needed for consistency with the proposed definition for transitioned animal and the proposed provisions for dairy transition.

We are also proposing a change to section 205.236(c) to reiterate that producers are responsible for maintaining records that show whether a dairy animal is a transitioned animal and, therefore, not eligible for certification as organic slaughter stock or for the purpose of organic fiber. Producers should already be tracking whether an animal is eligible for organic slaughter or fiber given the last third of gestation requirement. Table 2 provides an overview of all the proposed amendments.

D. Other Amendments Considered

AMS recently received requests from stakeholders to consider providing an exception to transition fiber producing animals to organic fiber production, just as dairy animals can be transitioned to organic milk production. OFPA authorizes a transition for dairy animals entering organic milk production. As such, AMS is not proposing a transition for fiber under this proposed rule. In practical terms, this means that producers can transition sheep from conventional milk production to organic milk production, but would need to source animals organically managed since the last third of gestation in order to produce organic wool.

TABLE 2—PROPOSED ACTION—ORIGIN OF LIVESTOCK

Section title	Current wording	Type of action	Proposed action
205.2	N/A	New terms added	Dairy Farm, Organic Management, Third-Year Transitional Crop, Transitional Crop, Transitioned animal.
205.236(a)	Livestock products that are to be sold, labeled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching: Except, That:	No Change	N/A—Included for Completeness.
205.236(a)(1)	Poultry. Poultry or edible poultry products must be from poultry that has been under continuous organic management beginning no later than the second day of life;	No Change	N/A—Included for Completeness.

[31] National Organic Standards Board Recommendation May 2003 on Breeder Stock: Clarification of Rule. Available online at: *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3104547.*

TABLE 2—PROPOSED ACTION—ORIGIN OF LIVESTOCK—Continued

Section title	Current wording	Type of action	Proposed action
205.236(a)(2)	Dairy animals. Milk or milk products must be from animals that have been under continuous organic management beginning no later than 1 year prior to the production of the milk or milk products that are to be sold, labeled, or represented as organic, Except,	Revision	Dairy animals. A producer as defined in § 205.2 may transition dairy animals into organic production only once. A producer is eligible for this transition only if the producer starts a new organic dairy farm or converts an existing nonorganic dairy farm to organic production. A producer must not transition any new animals into organic production after completion of this one-time transition. This transition must occur over a continuous 12-month period prior to production of milk or milk products that are to be sold, labeled, or represented as organic, and meet the following conditions:
205.236(a)(2)(i)	That, crops and forage from land, included in the organic system plan of a dairy farm, that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products; and	Revision	During the 12-month period, dairy animals must be under continuous organic management;
205.236(a)(2)(ii)	That, when an entire, distinct herd is converted to organic production, the producer may, provided no milk produced under this subparagraph enters the stream of commerce labeled as organic after June 9, 2007: (a) For the first 9 months of the year, provide a minimum of 80-percent feed that is either organic or raised from the land included in the organic system plan and managed in compliance with organic crop requirements; and (b) Provide feed in compliance with § 205.237 for the final 3 months.	Revision	During the 12-month period, the producer should describe the transition as part of its organic system plan and submit this as part of an application for certification to a certifying agent, as required in § 205.401;
205.236(a)(2)(iii)	Once an entire, distinct herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation.	Revision	During the 12-month period, dairy animals and their offspring may consume third year transitional crops;
205.236(a)(2)(iv)	N/A	New section added	Offspring born during or after the 12-month period are transitioned animals if they consume third-year transitional crops during the transition or if the mother consumes third year transitional crops during the offspring's last third of gestation;
205.236(a)(2)(v)	N/A	New section added	Offspring born from transitioning dairy animals are organic if they are under continuous organic management and if only certified organic crops and forages are used from their last third of gestation;
205.236(a)(2)(vi)	N/A	New section added	All dairy animals must end the transition at the same time;

TABLE 2—PROPOSED ACTION—ORIGIN OF LIVESTOCK—Continued

Section title	Current wording	Type of action	Proposed action
205.236(a)(2)(vii)	N/A	New section added	Dairy animals that complete the transition are transitioned animals and must not be used for organic livestock products other than organic milk;
205.236(a)(2)(viii)	N/A	New section added	After the 12-month period ends, transitioned animals may produce organic milk on any organic dairy farm as long as the animal is under continuous organic management at all times on a certified organic operation; and
205.236(a)(2)(ix)	N/A	New section added	After the 12-month period ends, any new dairy animal brought onto a producer's dairy farm(s) for organic milk production must be an animal under continuous organic management from the last third of gestation or a transitioned animal sourced from another certified organic dairy farm.
205.236(a)(3)	Breeder stock. Livestock used as breeder stock may be brought from a nonorganic operations onto an organic operation at any time: Provided, that, if such livestock are gestating and the offspring are to be raised as organic livestock, the breeder stock must be brought onto the facility no later than the last third of gestation.	Revision	Breeder stock. Livestock used as breeder stock may be brought from a nonorganic operation onto an organic operation at any time, Provided, That the following conditions are met:
205.236(a)(3)(i)	N/A	New section added	Such breeder stock must be brought onto the operation no later than the last third of gestation if its offspring are to be raised as organic livestock; and
205.236(a)(3)(ii)	N/A	New section added	Such breeder stock must be managed organically throughout the last third of gestation and the lactation period during which time they may nurse their own offspring.
205.236(b)	The following are prohibited:	No Change	N/A—Included for Completeness.
205.236(b)(1)	Livestock or edible livestock products that are removed from an organic operation and subsequently managed on a nonorganic operation may not be sold, labeled or represented as organically produced.	Revision	Livestock, edible livestock products, or nonedible livestock products such as animal fiber that are removed from an organic operation and subsequently managed on a nonorganic operation may not be sold, labeled, or represented as organically produced.
205.236(b)(2)	Breeder or dairy stock that has not been under continuous organic management since the last third of gestation may not be sold, labeled, or represented as organic slaughter stock.	Revision	Breeder stock, dairy stock, or transitioned animals that have not been under continuous organic management since the last third of gestation may not be sold, labeled, or represented as organic slaughter stock.
205.236(c)	The producer of an organic livestock operation must maintain records sufficient to preserve the identity of all organically managed animals and edible and nonedible animal products produced on the operation.	Revision	The producer of an organic livestock operation must maintain records sufficient to preserve the identity of all organically managed animals, including whether they are transitioned animals, and edible and nonedible animal products produced on the operation.

IV. Related Documents

Documents related to this proposed rule include the Organic Foods Production Act of 1990, as amended, (7 U.S.C. 6501–6522) and its implementing regulations (7 CFR part 205). The NOSB deliberated and made the recommendations described in this proposal at public meetings announced in the following **Federal Register** Notices: (1) 67 FR 19375, (May 7, 2002); (2) 67 FR 54784, (September 17, 2002); (3) 67 FR 62949, (October 19, 2002); and (4) 68 FR 23277, (May 13, 2003). AMS also considered NOSB recommendations from June 2, 1994, and March 20, 1998, in the development of this proposed rule. NOSB meetings are open to the public and allow for public participation.

AMS published a series of proposed rules that addressed, in part, the origin of livestock provisions at: (1) 62 FR 65850, (December 16, 1997); (2) 65 FR 13512, (March 13, 2000); and (3) 71 FR 24820, (April 27, 2006). Past final rules relevant to this topic were published at: (1) 65 FR 80548, (December 21, 2000); and 71 FR 32803, (June 7, 2006).

V. Statutory and Regulatory Authority

The Organic Foods Production Act of 1990, as amended, authorizes AMS to administer the NOP (7 U.S.C. 6501–6502). Under the NOP, AMS oversees national standards for the production and handling of organically produced agricultural products. One of the purposes of OFPA is to assure consumers that organically produced products meet a consistent standard (7 U.S.C. 6501(2)). Section 6509 of the OFPA also requires that livestock to be slaughtered, sold or labeled as organic be managed in accordance with the Act, allows for the use of breeder stock, and provides for an exception to transition dairy stock to organic milk production.

A. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives, and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as a ''significant regulatory action'' under section 3(f) of Executive Order 12866, and, therefore, has been reviewed by the Office of Management and Budget (OMB).

Need for the Rule

This action is necessary to create greater consistency in the implementation of a standard for the transition of dairy animals into organic production and for the management of breeder stock. AMS has determined that the current regulations regarding the transition of dairy animals and the management of breeder stock on organic operations need additional specificity and clarity to improve AMS' ability to efficiently administer the NOP. A stated purpose of the OFPA is to assure consumers that organically produced products meet a consistent and uniform standard (7 U.S.C. 6501). This action is being taken to facilitate and improve compliance and enforcement and to satisfy consumer expectations that organic livestock meet a consistent and uniform standard, regardless of how a producer transitioned into organic production.

In a 2006 final rule related to this issue, AMS acknowledged that the regulations provide different allowances for replacing organic dairy animals dependent on how a producer transitioned to organic production.[32] AMS further stated that, given the almost 13,000 comments on the 2006 proposed rule, the issue remained a significant concern of the organic community, including organic dairy producers, certifying agents, trade organizations, and consumers. AMS developed this proposal in response to this stakeholder feedback.

Further, as cited in the July 2013 OIG audit of organic milk operations,[33] implementation of the origin of livestock requirements continues to differ across producers and certifying agents. As part of this audit, some certifying agents conveyed that the current regulations create challenges in implementation such that some organic dairy producers may have a competitive advantage over others. Similarly, certifying agents and organic operations have recommended more detail in the regulations on the management of breeder stock to support implementation across the organic sector.

This action is also necessary to address the persistent requests to AMS for further developed origin of livestock standards that meet the expectations of the NOSB and the majority of stakeholders. Setting an enforceable practice standard would ensure consistency across the industry. Because organic products cannot be distinguished from nonorganic products based on sight inspection, consumers rely on process verification methods such as certification to a uniform standard to ensure that organic claims are true. For this reason, organic products have been described as ''credence goods'' in the economics literature.[34] [35] Credence goods have properties that are difficult to verify, both before and after purchase. Organic dairy products are an example of a ''credence good'' for which consistent implementation of a common production standard across the sector supports continued consumer confidence. This action would help maintain consumer trust in the organic seal. ''Customers'' includes both consumers purchasing organic milk, yogurt, butter, ice-cream, and cheese at retail markets and organic livestock producers purchasing organic dairy animals for their own operations.

While a dairy transition is permitted by the OFPA, this proposed rule would limit dairy animal transition. As discussed, AMS received extensive comments in 2006 on the issue of dairy transition. Commenters stated that consumers expect that organic milk is produced without the use of excluded methods and substances prohibited under the regulations such as hormones, antibiotics, and certain pesticides. Market research suggests that these comments are indicative of a customer base who expects ''organic'' to be produced without the use of such substances. In 2013, a report assessing trends in the organic market stated that consumers identified ''absence of pesticides'', ''absence of growth hormones'', and ''absence of antibiotics'' as properties they associate with the term ''organic'' in 64%, 59%, and 55% of the responses respectively.[36] Over

[32] 71 FR 32804.

[33] The July 2013 Office of Inspector General (OIG) audit report on organic milk operations may be accessed at the following Web site: *http://www.usda.gov/oig/webdocs/01601-0002-32.pdf.*

[34] Caswell, Julie A. and Eliza M. Mojduszka. 1996. ''Using Informational Labeling to Influence the Market for Quality in Food Products.'' American Journal of Agricultural Economics. Vol. 78, No. 5: 1248–1253.

[35] Zorn, Alexander, Christian Lippert, and Stephan Dabbert. 2009. ''Economic Concepts of Organic Certification.'' Deliverable 5 for Project CERTCOST: Economic Analysis of Certification Systems in Organic Food and Farming. *http://www.certcost.org/Lib/CERTCOST/Deliverable/D11_D5.pdf.*

[36] The Hartman Group, Inc., The Organic and Natural Consumer 2013: Traits and Trends. The Cultural Context Around Behavior. Of 1,569 respondents responding in 2012 to the question, ''From the following list, what properties do you think are implied or suggested by the term ''organic''?

thirty percent of those surveyed for this report indicated that avoidance of prohibited substances motivated them to buy organic products.[37] Based on past comments, stakeholders argue that sourcing or raising animals as organic from last third of gestation is better aligned with the expectation that animals producing organic milk have never received prohibited substances such as antibiotics or growth hormones.

Baseline

This baseline focuses on the current market and production of heifers and cows as the predominant portion of the industry that would be affected and for which data is available. The baseline and subsequent calculations do not include quantitative estimates for dairy production related to sheep or goats. AMS used multiple data sources to describe the baseline and build quantitative estimates for this proposed rule. The first source is the NOP list of all certified operations. In January of each calendar year, every certifying agent is required to submit an annual list of their certified operations to the NOP (7 CFR 205.501(a)(15)(ii)). The NOP consolidates this information once per year into a public, searchable database.[38] Another source of data is the Organic Trade Association's (OTA) 2014 Organic Industry Survey. The Nutrition Business Journal conducts this survey on behalf of OTA to summarize market information and trends within the organic industry across food and non-food sectors.[39] AMS also utilized information from the National Agricultural Statistics Service (NASS) 2011 Organic Production Survey.[40] The NASS data includes acreage, production and sales data for organic crops and livestock. USDA's Economic Research Service (ERS) also conducts the Agricultural Resource Management Survey (ARMS), which includes questions about organic production practices.[41] In 2010, ERS conducted a supplemental ARMS that focused on organic dairy operations. AMS worked with ERS to analyze recent ARMS data and develop an estimation of organic dairy production practices and costs for this proposed rule. Finally, AMS used summary information from a 2013 ERS report on organic production.[42] The ERS report was based on data from state and private certifying agents.

The Organic Dairy Market

According to the 2013 Organic Trade Association (OTA) Industry Survey, U.S. organic food, fiber, and agricultural product sales were over $32 billion in 2013, up 11.4 percent from 2012.[43] Organic dairy is the second largest sector in organic retail sales (15.2%), after fruits and vegetables (36%). Sales of organic dairy products, including milk, cream, yogurt, cheese, butter, cottage cheese, sour cream, and ice-cream, reached almost $4.2 billion in 2012. Table 3 shows the organic dairy market characteristics by subcategory.

TABLE 3—ORGANIC DAIRY MARKET—RETAIL SALES BY SUBCATEGORY

Subcategory	2013 Sales	2013 Growth (percent)	Percentage of organic dairy sales [a]
Milk/Cream	2,813	7.3	62.7
Yogurt	1,021	−0.2	22.8
Cheese	331	18.9	7.4
Butter/Cottage Cheese/Sour Cream	261	17.9	5.8
Ice-Cream	60	19.1	1.3

[a] While Organic Trade Association's 2014 Organic Industry Survey included eggs as a subcategory for its summary on organic dairy sales, we have excluded the data on eggs from this table.

While the majority of organic dairy products are marketed under regional or national brands, sales of products under private label arrangements accounted for between 30–40% of the organic dairy market in 2013.[44] Both OTA's 2013 and 2014 Organic Industry Surveys cite drought and feed costs as the key constraints on market growth. However, constraints to market growth vary regionally and across different size operations. According to a 2009 ERS report that analyzed 2005 ARMS data, 55% of farms in the West reported sourcing inputs as the most difficult aspect of organic milk production versus only 24% of farms in the Upper Midwest region and 19% of farms in the Northeast.[45] This is likely correlated with size of operation since organic dairies in the West tend to be larger in size and, therefore, have increased feed demand. Certification and compliance were cited as the most difficult aspect of organic milk production for farms in the Upper Midwest and Northeast (51% and 32% respectively).

Overview of Organic Dairy Production

Current dairy production and husbandry practices provide important context for the baseline and cost analysis. This section describes nonorganic and organic heifer development and highlights how they differ. Principles of management for other species would be similar, but the timing will be different. For example, a goat begins its first lactation at 1 year of age while a cow begins its first lactation at 2 years of age.

[37] Ibid. Of 1,036 respondents responding in 2012 to the question about the reasons why they continue to purchase organic products, 38% stated to avoid products that rely on pesticides or other chemicals, 34% stated to avoid genetically modified products, 34% stated to avoid products that rely on growth hormones, and 29% stated to avoid products that rely on antibiotics.

[38] The most recent list of certified operations may be found at the following link: *http://apps.ams.usda.gov/nop/.*

[39] Organic Trade Association (OTA)/Nutrition Business Journal, 2014 Organic Industry Survey. Nutrition Business Journal conducted a survey between Jan 27, 2014 and April 5, 2014 to obtain information for their estimates. Over 200 organic firms responded to the survey. NBJ used secondary data from SPINS, Nielsen, and IRI to supplement the survey and build market statistics.

[40] The NASS survey may be found at the following link: *http://usda.mannlib.cornell.edu/MannUsda/viewDocumentInfo.do?documentID=1859.*

[41] The ERS ARMS survey information may be found at the following link: *http://www.ers.usda.gov/data-products/arms-farm-financial-and-crop-production-practices.aspx.*

[42] The ERS 2013 Summary of Organic Production may be found at the following link: *http://www.ers.usda.gov/data-products/organic-production.aspx.*

[43] OTA 2014 Organic Industry Survey.

[44] Organic Trade Association (OTA)/Nutrition Business Journal, 2013 Organic Industry Survey. Private label arrangements allow businesses to offer or sell their products under another company's brand name, often a store brand.

[45] Economic Research Service. 2009. Characteristics, Costs, and Issues for Organic Dairy Farming (pg. 33). Report by William McBride and Catherine Greene. Statistics based on 2005 ARMS data. Report available online at: *http://www.ers.usda.gov/publications/err-economic-research-report/err82.aspx.*

When a heifer calf is born on a dairy farm, the producer ensures that the calf receives colostrum, either from a bottle or nursing her dam. The heifer calf is then separated from the dam and placed in group, pair, or single housing. Some larger dairy producers contract with heifer development farms to raise replacement heifers. These heifer development farms pick up the heifer calves and raise them at another location until they are within a month or two of their first lactation. Heifer calves are raised on a diet of milk replacer or liquid milk with free choice roughages and grains. Once the calves have learned how to eat grains and roughages, the calves are weaned from the milk.

After weaning, the heifers are developed to grow at a moderate pace until they are ready to be bred. During this time, the heifers may be raised on pasture, fed a complete ration or a mixture of both. Once the heifers are about 14 or 15 months of age, they are bred, gestate for about 9 months, and calve around 2 years of age. Usually once the heifers are bred or ''settled,'' they will be fed a diet which allows them to slowly grow in terms of frame size and body weight. As the heifer approaches her due date, she is termed a ''springer'' or is described as ''freshening.'' After she calves, she begins lactating, is moved to the milking herd and called a ''first calf heifer.''

Organic producers follow similar timelines, but use some different practices. Organic producers must provide a feed ration comprised of certified organic agricultural feedstuffs. At this point in time, AMS is not aware of any certified organic milk replacer produced in the US. As a result, organically raised dairy calves must be fed organic milk. This makes the practice of sending young calves to heifer development farms less feasible for organic producers as these heifer development farms may not have access to certified organic milk. In addition, organic regulations require that all organically managed ruminants receive 30% of their dry matter intake from pasture during the grazing season, though dairy calves under 6 months of age are excluded from this provision. By the age of 6 months, dairy calves must be on pasture during the grazing season. Nonorganic calves do not have a pasture requirement.

Organic producers must also follow certain health care practices. For example, organic producers may not use antibiotics to prevent disease. Instead, organic producers must prevent the animals from getting sick using other management practices such as vaccinations. However, if an animal does get sick, organic producers are required to use medication to restore the animal to health even if the animal loses organic status. Once the animal loses organic status, the animal could return to organic milk production only as part of a one-time transition with another producer.

Organic producers also may not use hormonal methods to synchronize estrus. Nonorganic producers may use hormonal products to both initiate estrus and synchronize estrus among the heifers to aid in conception. Certain synchronization protocols allow for a timed breeding method that does not require observation of a standing heat to identify estrus.

Dairy farms and heifer development farms which produce transitioned dairy animals are able to raise the heifer calves nonorganically until 12 months before organic milk production begins. The pre-weaning phase of life is the time in which heifer calf mortality is the highest and the diet is the most expensive on a per calorie basis. Nonorganic practices to reduce mortality and expense during this pre-weaning phase include the use of milk replacer and, at times, antibiotics. By the time the dairy heifer reaches one year of age, most health threats are past and the animal is consuming a less expensive diet.

AMS is not aware of any national survey that compares the culling rate of organic dairy animals with nonorganic dairy animals. In 2007, the USDA Animal and Plant Health Inspection Service (APHIS) conducted the National Animal Health Monitoring System (NAHMS) survey for dairy animals; a follow-up is planned for 2014.[46] In this survey of dairy animals, the national rate of permanently removing a dairy animal from a farm was 23.6 percent. However, this included animals that were sold as replacement females to other dairies. This also excluded the percentage of animals which died. The percentage of cows culled did not vary depending upon the size of the producer nor did it vary depending upon the region of the U.S. in which the dairy was located. Most dairy cows were removed for udder problems or reproductive problems, followed by lameness or poor milking ability. Overall, mortality rates were 7.8% for un-weaned heifers, 1.8% for weaned heifers, and 5.7% for cows.

From this information, an average dairy farm would sell 23.6% of its milking cattle and would lose 5.7% of its milking cattle to death. This would require that the average dairy farm in the U.S. be able to raise or purchase females that represent about 30% of the farm's herd size just to maintain current size. Based on this average national need for replacements, the overall U.S. dairy herd (both nonorganic and organic) would have excess replacement females available for development. At this rate, the organic milking herd should be able to be maintained by last third gestation replacement females. In addition, the organic milking herd should also provide a sufficient quantity of females if market conditions lead to an expansion of the number of organic dairy animals.

Specific to organic production, the U.S. had approximately 1,850 organic dairy farms that milked 200,000 cows in 2011.[47] Of these farms, 1,823 farms were producing organic milk from dairy cows and 19 farms were producing organic milk from goats. The number of certified organic sheep, buffalo, and bison dairy operations for that period is not known. This proposed action would apply to any animals (*e.g.,* heifers/cows, goats, sheep) that produce milk for an organic operation. The baseline discussion and the following cost analysis focus on heifers and cows as the predominant portion of the industry affected by this proposed action and due to the limited data available on other types of dairy animals.

Based on the NASS survey, Table 4 shows that the highest concentration of organic dairy farms is in the Northeast and Upper Midwest.

[46] USDA APHIS. NAHMS Dairy 2007 Part I: Reference of Dairy Cattle Health and Management Practices in the United States, 2007. This survey included both nonorganic and organic dairy animals. Available online at: *http://www.aphis.usda.gov/wps/portal/banner/help?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_animal_health%2Fsa_monitoring_and_surveillance%2Fsa_nahms%2Fct_nahms_dairy_studies#dairy2014.*

[47] USDA NASS. 2011. Census of Agriculture—Organic Production Survey. Available online at: *http://usda.mannlib.cornell.edu/MannUsda/viewDocumentInfo.do?documentID=1859.*

TABLE 4—TOP STATES WITH ORGANIC DAIRY FARMS COMPARED TO PRODUCTION

	Number of organic dairy farms	Percent of U.S. of organic dairy farms	Milk production (pounds)	Percent of U.S. milk production
United States	1,823	.....	2,797,845,926	.....
Wisconsin	397	21.7	313,991,661	11.2
Pennsylvania	236	12.9	148,704,869	5.3
New York	235	12.9	218,597,110	7.8
Vermont	180	9.9	149,649,913	5.3
Texas	8	0.4	423,558,952	15.1
California	72	3.9	469,148,296	16.8

The four states with the largest number of certified organic dairy farms (Wisconsin, Pennsylvania, New York, and Vermont) account for 57 percent of the total farms. However, those states represent less than 30 percent of national organic milk production. By contrast, the West and Southwest account for the highest milk production per farm. The two highest-producing states (California and Texas) represented only 4.3 percent of total certified organic dairy farms, while producing 31.9 percent of the total organic milk nationally. According to 2010 ARMS data, the mean size of an organic dairy farm nationally was 77 cows. In the Northeast and the Upper Midwest, the mean number of organic cows per farm was 64. In the West, the mean number of organic cows per farm was 288. Both ARMS and NASS surveys demonstrate similar distributions of both farms and milk production. The 2010 ARMS data also shows that organic dairies averaged about 13,900 pounds of milk annually per cow, or a daily average of 46 pounds of milk per cow (assuming a 300-day lactation period).

According to 2010 ARMS data, nearly 99 percent of the dairies responding to the organic dairy survey reported using replacement heifers that were born on the farm, with 96.5 percent reporting that the heifers were both born and raised on their operation. For the only 3.5 percent of dairies that did not raise their replacement heifers on their operation, they presumably hired heifer development farms to raise the heifers prior to rejoining the herd. Of the farms reporting using replacement heifers born on the farm, the average number of replacement heifers sourced by this method was 31 head per farm. These heifers, born in 2010, would have been added to the milking herd in 2012.

Some dairy operations also bought replacement heifers. It is unknown whether these replacement heifers were certified organic when purchased or were nonorganic animals then transitioned into organic production. We would expect a mixture of certified organic heifers and transitioning heifers entering organic production that is dependent on the producer's current transition approach. Of the farms responding to the ARMS, 7.3 percent reported purchasing dairy cows and 5.3 percent reported buying replacement heifers. Farms that purchased milk cows purchased an average of 8 cows per farm and those that purchased heifers bought an average of 15 head.

Overall, in 2010, organic dairy farms added 58,500 cows and heifers to their operations, with 95.7 percent of those born on the operation. The remainder of animals came from off farm sources and included milk cows, 1,100 head (1.8 percent), and heifers, 1,425 head (2.5 percent).

Most organic dairies (91 percent) reported selling cull cows. Some dairy farms also reported selling milk cows and replacement heifers. Of the farms responding to the ARMS, 17.0 percent reported selling milk cows and 17.0 percent reported selling replacement heifers. Farms that sold milk cows sold an average of 14 cows per farm and those that sold replacement heifers sold an average of 11 head. Overall, dairies sold 4,400 milk cows and 3,500 replacement heifers. Farms could have sold these animals into the nonorganic or organic market.

Information on how many of replacement heifers bought were transitioned heifers and how many were managed organically from the last third of gestation is not available, and, therefore, AMS is not able to quantify the baseline. Certifying agents do not maintain aggregated data on what transition approach producers are currently implementing. Therefore, we do not have data on how many producers are bringing heifers into organic production as nonorganic animals and transitioning them into organic versus sourcing and managing animals as organic from the last third of gestation. However, the two largest producers of branded organic fluid milk both require their supplying dairies to supply milk from organic cows, as opposed to transitioning new nonorganic animals into organic production. Based on discussions with the industry, AMS assumes that, qualitatively, the vast majority of replacement heifers purchased is managed organically from the last third of gestation and, therefore, would not need to change practices due to this proposed action. We seek comment on this assumption and data on current industry practice to help refine our estimates.

As discussed in the BACKGROUND section, under the current baseline, we know that producers differ in their transition strategies dependent on how the term ''herd'' in the regulations is interpreted and applied. The difference in transition approach across producers is, as previously discussed, due to both a lack of definition for what a ''herd'' is and different interpretations of when the transition of a herd into organic production should be considered completed. Within the existing industry, there are some organic producers who transitioned a single ''herd'' of animals into organic production, consider their transition complete, and only source animals that are managed organically from the last third of gestation. There are other organic producers who transitioned their operation to organic, but continue to expand their operation by bringing nonorganic animals into organic production as additional ''herds''. In some cases, these operations have multiple fields on a given location or multiple locations under their business and, therefore, consider the herd in a given field or location as distinct for the purpose of their transition approach. For producers using this kind of multi-herd approach for their operation, the proposed action would require them to source organic animals or previously transitioned animals across all of their herds, regardless of location or multi-herd management strategy. This will, in turn, increase their costs as discussed in the cost analysis that follows.

Alternatives Considered

As required by E.O. 12866, various alternatives were considered to achieve the objectives of this rule. The alternatives considered include: (Option A) revising the standard to allow producers to transition dairy animals into organic production over a 12-month period on a continuous basis; and (Option B) revising the standard to clearly convey that a producer with a dairy farm has a one-time exception over a 12-month period to transition dairy animals into organic production. These options are shown in Table 5 below.

TABLE 5—ALTERNATIVES CONSIDERED

Alternative	Description
Option A—Continuous Transition	Revise standard to allow a producer to transition dairy animals into organic production over a 12-month period on a continuous basis.
Option B—Use ''Dairy Farm'' as Unit of Regulation.	Revise standard to tie the one-time transition exception to a given dairy farm (premises) over a 12-month period.
Option C—Proposed Rule	Revise standard to tie the one-time transition exception to a given producer with a dairy farm over a 12-month period.

As discussed, maintaining the status quo (*i.e.,* the baseline unit of regulation as a ''herd'') does not further our objective to provide additional guidance to the organic dairy industry and, therefore, was not considered as a viable alternative. Since 2006, vast stakeholder comments have requested that AMS engage in rulemaking to support greater consistency in the application of the origin of livestock requirements across certifying agents and operations. In addition to stakeholder comments, the OIG identified this issue in its July 2013 audit of organic milk operations and recommended that AMS undertaking rulemaking.

Option A

The first alternative considered (Option A) would amend the regulations to specify that a producer could transition dairy animals into organic production over a 12-month period on a continuous basis. Under OFPA, a dairy animal from which milk or milk products will be sold or labeled as organically produced must be raised in accordance with OFPA for not less than the 12-month period immediately prior to the sale of such milk and milk products (7 U.S.C. 6509(e)(2)(A)). AMS could allow transition of any dairy animal into organic production, without further limitation, as long as it is organically managed for a 12-month period prior to the sale of organic milk or milk products. In effect, this would mean that a producer could continuously transition conventional dairy animals into organic production on an ongoing basis, as opposed to allowing a producer to transition animals into organic production once.

While this alternative could achieve the regulatory objective by setting a consistent and uniform standard across the organic dairy industry, numerous NOSB recommendations and stakeholder comments have not suggested this approach. Further, in assessing the baseline, this approach would increase the number of nonorganic animals transitioned into organic production. If the demand shifts to nonorganic animals for transition into organic production, this would reduce the current demand, and, thus, value of organic heifers. Further, because consumers expect milk to be produced without the use of certain inputs that can be used in nonorganic animals (*e.g.,* antibiotics), this approach could have unknown, but likely negative, impacts on consumer confidence in the growing organic dairy sector.

Option B

The second alternative considered (Option B) would amend the regulations to specify that a dairy farm, as defined by the regulation, could transition dairy animals into organic production one-time over a 12-month period. This would mean that a transition could occur only once on a given premises. Under this alternative, a producer could transition dairy animals on multiple dairy farms over time as long as animals had not been previously transitioned on a given premises. For example, if dairy farm location X, Y, and Z had never had animals transitioned to organic on their respective premises, then producer A could conduct transition on each location (X, Y, and Z) once. If producer B then purchased these dairy farms from producer A, producer B could not complete a transition on these premises because the location had already experienced a one-time transition to organic.

We did not choose this alternative because it would only meet the intent of this regulatory action in a limited way. While it would reduce the number of transitions over time, it would allow a given producer, with a single organic certificate, to transition dairy animals on multiple dairy farms. As discussed in the BACKGROUND section, this proposal was drafted to create greater consistency in the implementation of the transition mechanism so that it is not used as a continual means of producing organic milk without purchasing organic stock once a producer has converted to organic production. Furthermore, AMS could not identify how a producer and a certifying agent could verify that a transition had not already occurred on a given dairy farm. This would be especially difficult as time went on and a dairy farm may have changed ownership multiple times.

Option C

The third alternative considered, and selected for this proposed action, would provide a limited exception (*i.e.,* a one-time opportunity for producers) to transition dairy animals into organic production that aligns with both OFPA and the NOSB recommendations. While the NOSB recommendations do not provide the level of specificity needed to implement this approach, the intent of the NOSB is to require that, once an operation is certified organic, any new animals added to that operation should be organically managed since last third of gestation. This proposed rule would address the NOSB recommendation, adding specificity to ensure successful implementation of a uniform and consistent standard. AMS considered many options for how to best operationalize a one-time exception to transition dairy animals into organic production. These options include linking the one-time exception to a dairy farm, an operation, persons responsibly connected, and the current unit of regulation, a herd. For the reasons previously discussed in the OVERVIEW OF PROPOSED AMENDMENTS section, AMS is proposing to link the transition exception to a producer.

Based on NOSB recommendations and almost 13,000 stakeholder comments, this approach would retain the opportunity for new producers to transition into organic dairy production and ensure that organic products meet a consistent standard to support consumer confidence. This approach would require a small number of dairy farms to change their current practices for sourcing dairy animals and, as a result, would impose some limited costs. This approach is also the more pragmatic to implement through the certification and verification process as compared to linking the one-time transition to a dairy farm (Option B). By linking the transition to a given producer (Option C), a producer (*e.g.,* an individual or a corporation) can attest to a certifying agent as part of their application for certification that they have not already completed a dairy transition and certifying agents could verify such attestations by checking past certification records associated with that producer.

The costs and benefits of this approach are discussed in more detail below.

Costs of Proposed Rule

The proposed rule has the potential to increase production costs on dairy producers who currently purchase transitioned dairy animals as replacements, assuming that transitioned animals are currently being sold at a discount to organic replacement animals. Organic dairy farmers who regularly purchase transitioned dairy animals as replacements and organic operations in the process of expansion are likely to face higher costs of production if this rule were finalized as proposed. The cost of implementing the proposed rule will fall primarily on organic dairies that currently purchase transitioned heifers, although dairies currently purchasing organic heifers would be expected to pay higher prices in the short-term due to increased competition for these animals. Farms that sell their excess organic replacement heifers may see an increase in demand for their heifers while farms that exclusively raise their own organic replacement heifers would not be affected by the proposed rule.

Overall, this cost analysis uses existing data on the number of replacement animals purchased on organic operations to estimate costs. Using data by organic operation differs from the proposed unit of regulation, which is by producer (*i.e.,* a business entity). We do not have data explicitly available by producer. However, we believe that this analysis using data by organic operation would be similar to any analysis by producer because, in many cases, the operation and producer are functionally one in the same. Further, while we do not have data on multi-herd producers, this analysis assumes that costs will be equivalent on a per cow basis. We are seeking comment on these assumptions and any data relevant to sheep and goat dairy production.

Estimated Costs for Dairies

The ARMS included the total amount spent on replacement heifers, but the survey did not distinguish between organic and transitioned heifers. For purposes of this analysis, we will assume that 25% to 50 percent of all purchased heifers are transitioned heifers, or between 360 and 720 head. This is a broad estimate though we believe that the proportion is likely smaller than 50% based on discussions with organic dairy producers. The survey results indicated that the average replacement heifer cost approximately $898. The University of Minnesota Farm Financial Database (FINBIN) includes the average replacement cost for organic heifers; between 2006 and 2012 the cost per head ranged between $1,200 and $1,900. Extension officials at the University of Vermont estimated that organic replacement heifers typically cost between $1,600 and $2,000.[48] Data on the cost of transitioned heifers is not available. Using the upper end of these ranges ($2,000), the cost of purchasing organic replacement heifers of all weights would be $7.6 million per year. This is the total cost, not the additional cost of purchasing organic heifers instead of transitioned heifers, so the incremental costs will be considerably less. These costs only reflect dairy cattle. Costs for purchasing dairy sheep and goats are not included in this analysis.

AMS previously contacted several state extension dairy experts who explained that supplies of organic replacement heifers and milk cows were in excess supply creating a soft demand.[49] In addition, the ARMS shows that organic dairy farms retained 56,000 replacement heifers while selling 32,000 head as cull cattle, milk cows, or replacement heifers, indicating that there are ample supplies of replacement heifers available. Therefore, the additional demand for organic replacement heifers is not expected to lead to an increase in the price of replacement heifers. However, to be conservative in estimating the additional costs of the proposed rule, the analysis will assume that the increased demand will increase the cost of an organic replacement heifer by 25 percent, or $500.

Because the price of transitioned heifers is not available, the analysis will use the cost of conventional springers[50] as a substitute. Since the cost of a transitioned heifer is likely to be more than the cost of a conventional heifer, using the conventional springer price will generally overstate the cost of compliance with the proposed rule and so provide an upper bound of costs incurred.

AMS Livestock, Poultry, and Grain Market News reports on five dairy auction markets[51] in the U.S. Using the reports from the period May 6, 2013 to June 5, 2013, the average auction price for Approved[52] springers was $1,200 per head. The difference in cost between organic heifers and conventional heifers is $800 per head. As discussed, we assume that the cost of transitioned heifer is, at a minimum, equivalent to a conventional heifer. With the assumed $500 increase in cost of organic heifers, the total difference will be $1,300. The difference in cost between a transitioned heifer and an organic heifer is summarized in Table 6.

[48] Conversation with Dr. Bob Parsons, Extension Associate Professor at University of Vermont, June 4, 2013.

[49] Conversations with Dr. Bob Parsons, Extension Associate Professor at University of Vermont, June 4, 2013; Bradley J. Heins, Assistant Professor of Organic Dairy Production at University of Minnesota, June 5, 2013; and A. Fay Benson, Small Dairy Support, Cornell University SCNY Regional Team, June 6, 2013.

[50] A springer is a heifer that is 7–9 months pregnant and will begin producing milk within 2 months.

[51] The markets are the Mammoth Cave Dairy Auction, Smiths Grove, KY; Springfield Livestock Marketing Center, Springfield, MO; Producers Auction Yards, Norwood, MO; New Holland Sales Stables, New Holland, PA; and Toppenish Monthly Dairy Replacement Sale, Toppenish, WA.

[52] Dairy cattle are classified into four categories: Supreme, Approved, Medium, and Common. The most common category of springers sold is Approved.

TABLE 6—DIFFERENCE IN COST BETWEEN A TRANSITIONED HEIFER AND AN ORGANIC HEIFER

	Low end of range	High end of range	Value used
Cost of organic replacement heifer	$1,200	$2,000	$2,000
Increased premium for organic heifer due to increased demand (assumed)	.....	.....	500
Total cost of organic replacement heifer	.....	.....	2,500
Cost of conventional heifer (used as lower bound for cost of transitioned heifer)	1,000	1,435	1,200
Cost difference per heifer	.....	.....	1,300

According to the NASS 2011 Certified Organic Production Survey, the U.S. had approximately 1,850 organic dairy farms that milked 200,000 cows. Based on the NASS survey results for the total number of organic dairy operations and ARMS data on the number of replacement heifers purchased, we estimate the total increase in cost of purchasing organic heifers instead of transitioned heifers at a maximum of $935,000 per year with the assumption that 50% of replacement animals purchased are transitioned dairy animals and $468,000 per year with the assumption that 25% of replacement animals purchased are transitioned dairy animals. If the cost of organic replacement heifers does not increase due to current market conditions, the estimate of the total increase in cost is significantly less at $576,000 for the 50% assumption and $288,000 for the 25% assumption. The additional cost of purchasing organic heifers for replacement purposes is summarized in Table 7.

TABLE 7—ADDITIONAL COST INCURRED TO PURCHASE ORGANIC HEIFERS

	Price difference used	Total additional cost for dairy producers	
		25% Assumption	50% Assumption
Low Estimate	Uses $800 difference between conventional and organic heifers.	$288,000	$576,000.
High Estimate	Uses $1,300 difference ($800 above plus $500 in assumed organic premium).	$468,000 ($180,000 of which is an intra-industry transfer).	$935,000 ($359,000 of which is an intra-industry transfer.

The cost difference between the low and high estimate ($359,000 or $180,000) should not be considered a net cost, but rather an intra-industry transfer. While some producers who need to purchase organic heifers will have additional costs if there is a $500 premium for these animals, this premium will stay within the organic dairy sector as a benefit to those producers supplying organic heifers. Any intra-industry transfer is expected to benefit small operations as such operations tend to have more flexibility in capacity (*e.g.,* available pasture) to accommodate raising organic replacement heifers for the organic market. This flexibility is less apparent for large operations. Furthermore, the actual costs of this action may be considerably less than the low estimate. This analysis is based on a conservative assumption that 50 percent of all purchased heifers are transitioned heifers. Based on discussions with organic dairy producers, we believe that this proportion is likely smaller which would decrease the low cost estimate.[53] The costs of the proposed action will vary by size of operation because the proportion of dairies that source at least some of their replacement heifers from their own calves also varies by size of operation. Of the largest operations in the ARMS data, those with 200 or more cows, 96 percent reported that at least some of their replacement heifers were born on their operations. All operations with between 100 and 199 cows reported that at least some of their replacement heifers were born on their operations, and 99 percent of operations with fewer than 50 cows and those with between 50 and 99 cows reported that at least some of their replacement heifers were born on their operations.

Purchases of milk cows and replacement heifers also vary by size. Ten percent of operations with fewer than 50 cows reported purchasing milk cows, and the average number purchased was 6 head. Five percent of operations with between 50 and 99 cows reported purchasing milk cows, and the average number purchased was 14 head. Three percent of operations with between 100 and 199 cows reported purchasing milk cows, and the average number purchased was 10 head. No operations with 200 or more cows reported purchasing milk cows.

The pattern is different for purchasing heifers. Four percent of operations with fewer than 50 cows reported purchasing heifers, and the average number purchased was 10 head. Seven percent of operations with between 50 and 99 cows reported purchasing heifers, and the average number purchased was 10 head. Three percent of operations with between 100 and 199 cows reported purchasing heifers, and the average number purchased was 5 head. Eight percent of operations with 200 or more cows reported purchasing heifers, and the average number purchased was 76 head. Based on a cost difference of $1,300 per head between transitioned replacement heifers and organic replacement heifers, and assuming that half of replacement heifers currently purchased are transitioned, dairies with fewer than 50 cows would pay an additional $270,000, dairies with between 50 and 99 cows would pay an additional $280,000, dairies with between 100 and 199 cows would pay an additional $30,000 and dairies with 200 or more cows would pay an additional $355,000. The costs by size of operation are summarized in Table 8.

[53] Between April 2012 and December 2013, AMS staff contacted 8 organic dairy producers of various sizes to determine the extent to which heifers are raised or purchased on their farms.

TABLE 8—COSTS BY SIZE OF OPERATION FOR PURCHASING ORGANIC HEIFERS

	Fewer than 50 cows	50–99 cows	100–199 cows	200 or more cows
Size of Operation				
Percent of operations that purchased replacement heifers	4%	7%	3%	8%.
Average number of replacement heifers purchased	10 head	10 head	5 head	76 head.
Total cost for purchase of replacement heifers across size class.	$270,000	$280,000	$30,000	$355,000.
Cost per operation (25% to 50% transitioned heifers)	$3,250–$6,500	$3,250–$6,500	$1,600–$3,250	$29,700–$49,400.

Effects on Heifer Development Operations

Heifer development operations raise heifers either from wet calves or weaned calves and generally sell them as springers at about 24 months of age. To raise organic or transitioned heifers, these operations must have organic pasture available for the heifers to graze. Operations that raise transitioned heifers may have to increase their ownership or leasing of organic pasture to continue to operate at their current capacity since organic heifer calves will need access to organic pasture for a longer period than transitioned heifers will need access to pasture.

Since the locations, numbers, and sizes of heifer development operations are not known, it is not possible to estimate the increased costs this will entail. However, it is possible that, to the extent that organic heifers sell at a premium to transitioned heifers, the increased costs may be at least partially offset by increases in revenues from selling organic replacement heifers. We are seeking data related to the likely impacts on heifer development operations and those for sheep and goats.

Effects on Consumers

Nearly 99 percent of all dairies report that they source at least some of their replacement cows from their own calves, and only 4.3 percent of all dairies purchase replacement heifers. The 95.7 percent of producers that do not purchase replacement heifers would not see an increase in costs. To replace purchased transitioned heifers, dairies would have to either raise their own replacements or buy them from an operation that sells organic replacement heifers. Since the current market for replacement heifers is soft and there are ample supplies, as detailed above, it is unlikely that the proposed rule would significantly increase producer, and therefore, milk costs to the consumer.

Benefits of the Proposed Rule

This proposed rule would bring specificity and clarity to the regulations relating to the origin of dairy livestock and the management of breeder stock. Greater clarity and specificity will create uniform application of the practice standards applied in organic production and in turn will help maintain consumer confidence in purchasing organic products.

The Organic Trade Association's (OTA) 2013 U.S. Families' Organic Attitudes and Beliefs tracking study identified that 13 percent of organic buyers surveyed who saw or heard a negative news story about organic chose to buy less organic foods. Further, nearly half of non-buyers of organic products surveyed displayed a decrease in their average level of trust in organic products' authenticity from 5.3 on a 10-point scale in 2012 to 4.4 in 2013.[54]

Conclusions

A clear and consistent standard for transition of dairy animals into organic production is needed and anticipated by dairy producers, consumers, trade associations, certifying agents, and the OIG. This proposed rule would provide a foundation for compliance and enforcement in support of fair competition among dairy producers through a single, well-defined standard. AMS is pursing the regulatory option that retains the opportunity for new producers to transition into organic dairy production once. In the event of emergencies, producers, through their certifiers could apply for a temporary variance provided for in section 205.290(a).

AMS is seeking comments on the actual economic impacts, both costs and benefits, of this action on the industry. We are specifically interested in validating the accuracy of the number of farms impacted, validating the accuracy of the estimated number of replacement animals, and understanding the number and size of heifer development operations that may be affected by this action. The costs and benefits are summarized in the Executive Summary and were described in detail in this section.

In addition, and in support of our validation efforts, we also are requesting comments on or submissions of applicable farm or industry data, data sources, reports, research and other relevant information that would help us better understand the full range of impacts of the rule on farm income and profitability.

B. Executive Order 12988

Executive Order 12988 instructs each executive agency to adhere to certain requirements in the development of new and revised regulations in order to avoid unduly burdening the court system. This proposed rule is not intended to have a retroactive effect.

States and local jurisdictions are preempted under the OFPA from creating programs of accreditation for private persons or State officials who want to become certifying agents of organic farms or handling operations. A governing State official would have to apply to USDA to be accredited as a certifying agent, as described in section 6514(b) of the OFPA. States are also preempted under sections 6503 and 6507 of the OFPA from creating certification programs to certify organic farms or handling operations unless the State programs have been submitted to, and approved by, the Secretary as meeting the requirements of the OFPA.

Pursuant to section 6507(b)(2) of the OFPA, a State organic certification program may contain additional requirements for the production and handling of organically produced agricultural products that are produced in the State and for the certification of organic farm and handling operations located within the State under certain circumstances. Such additional requirements must: (a) Further the purposes of the OFPA, (b) not be inconsistent with the OFPA, (c) not be discriminatory toward agricultural commodities organically produced in other States, and (d) not be effective until approved by the Secretary.

Pursuant to section 6519(f) of the OFPA, this proposed rule would not

[54] Organic Trade Association. 2013. U.S. Families' Organic Attitudes and Beliefs: 2013 Tracking Study. *www.ota.com.*

alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601–624), the Poultry Products Inspection Act (21 U.S.C. 451–471), or the Egg Products Inspection Act (21 U.S.C. 1031–1056), concerning meat, poultry, and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301–399), nor the authority of the Administrator of the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136–136(y)).

Section 6520 of the OFPA provides for the Secretary to establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this title that adversely affects such person or is inconsistent with the organic certification program established under this title. The OFPA also provides that the U.S. District Court for the district in which a person is located has jurisdiction to review the Secretary's decision.

C. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider the economic impact of each rule on small entities and evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities or erecting barriers that would restrict their ability to compete in the market. The purpose is to fit regulatory actions to the scale of businesses subject to the action.

The RFA permits agencies to prepare the initial RFA in conjunction with other analyses required by law, such as the Regulatory Impact Analysis (RIA). AMS notes that several requirements to complete the RFA overlap with the RIA. For example, the RFA requires a description of the reasons why action by the agency is being considered and an analysis of the proposed rule's costs to small entities. The RIA describes the need for this proposed rule, the alternatives considered and the potential costs and benefits of this proposed rule. In order to avoid duplication, we combine some analyses as allowed in section 605(b) of the RFA. As explained below, AMS expects that the entities that could be impacted by this proposed rule would qualify as small businesses. In the RIA, the discussion of alternatives and the potential costs and benefits pertain to impacts upon all entities, including small entities. Therefore, the scope of those analyses is applicable to the RFA. The RIA should be referred to for more detail.

AMS has considered the economic impact of this proposed action on small entities. Small entities include producers transitioning into organic dairy production, existing organic dairy producers, and producers that raise replacement animals for organic dairies. AMS believes that the cost of implementing the proposed rule will fall primarily on organic dairies that currently purchase transitioned heifers, although dairies currently purchasing organic heifers would be expected to pay higher prices in the short-term due to increased competition for these animals. Farms that sell their excess organic replacement heifers may see an increase in demand for their heifers while farms that raise their own organic replacement heifers would not be affected by the proposed rule. AMS believes there may be a limited number of heifer development operations who could be impacted by this action. However, since the locations, numbers, and sizes of heifer development operations are not known, it is not possible to estimate the number of such entities and any increased costs for those entities.

This proposed rule would also affect certifying agents that certify organic dairy operations. The Small Business Administration (SBA) defines small agricultural service firms, which includes certifying agents, as those having annual receipts of less than $7,000,000 (North American Industry Classification System Subsector 115—Support Activities for Agriculture and Forestry). There are currently 84 USDA-accredited certifying agents; based on a query of the NOP certified organic operations database, there are approximately 53 certifying agents who are currently involved in the certification of organic dairies. AMS believes that these certifying agents would meet the criterion for a small business. While certifying agents are small entities that will be affected by this proposed rule, we do not expect these certifying agents to incur significant costs as a result of this action. Certifying agents already must comply with the current regulations, *e.g.,* maintaining certification records for organic dairy operations. Their primary new responsibility under this proposal will be to determine, through the existing application process for organic certification, a producer's eligibility for a one-time transition into organic production.

For the RFA analysis, AMS focused on estimating how different size organic dairy operations (small versus large) would be impacted as a result of purchasing all organic dairy replacement animals. As discussed above, we do not have data on heifer development operations that raise dairy replacement heifers and are unable to estimate the impacts on these entities. As defined by the SBA (13 CFR 121.201), small agricultural producers are defined as those having annual receipts of less than $750,000. AMS used this SBA criterion to identify large organic dairy operations, those with cash receipts of more than $750,000, and small operations, those with cash receipts of $750,000 or less. The ARMS dataset estimates that 95 percent had cash receipts below $750,000 and 5 percent had cash receipts above $750,000. Using the NASS estimate for the total number of organic dairy operations, AMS estimates that, in 2011, there were 91 large operations and 1,756 operations that would be considered small under the SBA criterion.

AMS notes that there is little variation in the proportion of organic dairies that source at least some of their replacement heifers from their own calves. Of the large operations, 96 percent reported that at least some of their replacement heifers were born on their operations. About 99 percent of small operations reported sourcing at least some of their replacement heifers from calves born on their operations.

While the frequency of purchases of replacement heifers varied little by size, our analysis shows that the mean number of replacement heifers purchased was significantly different across size categories. Small operations were slightly less likely to buy replacement heifers (5.3 percent versus 5.5 percent). Of the small operations that purchased replacement heifers, the average number purchased was 10 head, compared with an average purchase of 107 head for large operations. For this cost analysis, we assumed a cost difference of $1,300 per head between transitioned replacement heifers and organic replacement heifers and assumed that half of replacement heifers currently purchased are transitioned.[55] Based on our analysis, AMS estimates that, under the proposed rule, small operations would collectively spend an additional $588,000 for heifers. Large operations would collectively pay an additional $347,000 for heifers. Of the operations that purchased heifers, the average additional cost per operation would be $6,300 for small operations

[55] The determination of a cost difference of $1,300 per head and the assumption about the proportion of replacement heifers that are transitioned is discussed in the RIA. See section on EO 12866 and 13563.

and $70,000 for large operations. AMS notes that this analysis assumed that there is no difference in the cost per head paid by large and small operations for purchases of replacement heifers. Table 9 summarizes the cost analysis using the SBA criterion for small businesses (*i.e.,* producers with less than $750,000 in cash receipts).

TABLE 9—COST OF ORGANIC REPLACEMENT HEIFERS BY SBA CRITERION FOR SMALL BUSINESSES

	Small operations (<$750,000)	Large operations (>=$750,000)
Total cost (all operations)	$588,000	$347,000
Per operation purchasing replacement heifers (25% to 50% transitioned replacements)	3,150–6,300	35,000–70,000

To understand the potential costs in context, we used the higher average cost estimate per operation from Table 9 for the purchase of organic replacement heifers (*i.e.,* $6,300 for small; $70,000 for large) and compared it to the average gross cash farm income for each size category. In 2011, the average gross farm cash income for small operations was $211,375, and $2,348,345 for large operations. For both small and large operations, the average additional costs imposed by the requirement to purchase organic replacement heifers accounts for approximately 2.9 percent of an operation's average gross cash farm income. AMS believes that any costs incurred by producers in complying with this proposed action would be offset by a stronger marketplace for organic dairy products. If implemented, this action would, as discussed in the benefits portion of the RIA, ensure that consumer expectations are met and support the growing market for these organic products. AMS believes that, over the long run, the economic impact on producers of not implementing this proposed rule would be greater than the economic impact of this proposed rule due to the need for greater consistency in applying the origin of livestock standard across the organic dairy sector.

In addition, AMS has not identified any relevant Federal rules that are currently in effect that duplicate, overlap, or conflict with this proposed rule. This action provides additional clarity on the origin of livestock requirements that are specific and limited to the USDA organic regulations.

D. Executive Order 13175

This proposed rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

AMS has assessed the impact of this rule on Indian tribes and determined that this rule may have tribal implications that require tribal consultation under EO 13175. If a Tribe requests consultation, AMS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

E. Paperwork Reduction Act

No additional collection or recordkeeping requirements are imposed on the public by this proposed rule. Accordingly, OMB clearance is not required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, Chapter 35.

F. Civil Rights Impact Analysis

AMS has reviewed this proposed rule in accordance with the Department Regulation 4300–4, Civil Rights Impact Analysis (CRIA), to address any major civil rights impacts the rule might have on minorities, women, and persons with disabilities. After a careful review of the rule's intent and provisions, AMS has determined that this rule would only impact the organic practices of organic producers and that this rule has no potential for affecting producers in protected groups differently than the general population of producers. This rulemaking was initiated to clarify a regulatory requirement and enable consistent implementation and enforcement.

Protected individuals have the same opportunity to participate in the NOP as non-protected individuals. The USDA organic regulations prohibit discrimination by certifying agents. Specifically, section 205.501(d) of the current regulations for accreditation of certifying agents provides that ''No private or governmental entity accredited as a certifying agent under this subpart shall exclude from participation in or deny the benefits of the NOP to any person due to discrimination because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.'' Paragraph 205.501(a)(2) requires ''certifying agents to demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart'' including the prohibition on discrimination. The granting of accreditation to certifying agents under section 205.506 requires the review of information submitted by the certifying agent and an on-site review of the certifying agent's operation. Further, if certification is denied, section 205.405(d) requires that the certifying agent notify the applicant of their right to file an appeal to the AMS Administrator in accordance with section 205.681. These regulations provide protections against discrimination, thereby permitting all producers, regardless of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status, who voluntarily choose to adhere to the rule and qualify, to be certified as meeting NOP requirements by an accredited certifying agent. This proposed rule in no way changes any of these protections against discrimination.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals, Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons set forth in the preamble, 7 CFR part 205 is proposed to be amended as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read:

Authority: 7 U.S.C. 6501–6522.

■ 2. Section 205.2 is amended by adding in alphabetical order definitions for

''dairy farm,'' ''organic management,'' third-year transitional crop,'' ''transitional crop,'' and ''transitioned animal'' to read as follows:

§ 205.2 Terms defined.

* * * * *

Dairy farm. A premises with a milking parlor where at least one lactating animal is milked.

* * * * *

Organic management. Management of a production or handling operation in compliance with all applicable production and handling provisions under this part.

* * * * *

Third-year transitional crop. Crops and forage from land, included in the organic system plan of a producer's operation, that has had no application of prohibited substances within 2 years prior to harvest of the crop or forage.

* * * * *

Transitional crop. Any agricultural crop or forage from land, included in the organic system plan of a producer's operation, that has had no application of prohibited substances within one year prior to harvest of the crop or forage.

Transitioned animal. A dairy animal that was converted to organic milk production in accordance with § 205.236(a)(2); offspring borne to a transitioned animal that, during its last third of gestation, consumes third year transitional crops; or offspring borne during the one-time transition exception that themselves consume third year transitional crops. Such animals must not be sold, labeled, or represented as organic slaughter stock or for the purpose of organic fiber.

* * * * *

■ 3. Section 205.236 is revised to read as follows:

§ 205.236 Origin of livestock.

(a) Livestock products that are to be sold, labeled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching: *Except,* That:

(1) *Poultry.* Poultry or edible poultry products must be from poultry that has been under continuous organic management beginning no later than the second day of life;

(2) *Dairy animals.* A producer as defined in § 205.2 may transition dairy animals into organic production only once. A producer is eligible for this transition only if the producer starts a new organic dairy farm or converts an existing nonorganic dairy farm to organic production. A producer must not transition any new animals into organic production after completion of this one-time transition. This transition must occur over a continuous 12-month period prior to production of milk or milk products that are to be sold, labeled, or represented as organic, and meet the following conditions:

(i) During the 12-month period, dairy animals must be under continuous organic management;

(ii) During the 12-month period, the producer should describe the transition as part of its organic system plan and submit this as part of an application for certification to a certifying agent, as required in § 205.401;

(iii) During the 12-month period, dairy animals and their offspring may consume third-year transitional crops;

(iv) Offspring born during or after the 12-month period are transitioned animals if they consume third-year transitional crops during the transition or if the mother consumes third year transitional crops during the offspring's last third of gestation;

(v) Offspring born from transitioning dairy animals are organic if they are under continuous organic management and if only certified organic crops and forages are used from their last third of gestation;

(vi) All dairy animals must end the transition at the same time;

(vii) Dairy animals that complete the transition are transitioned animals and must not be used for organic livestock products other than organic milk;

(viii) After the 12-month period ends, transitioned animals may produce organic milk on any organic dairy farm as long as the animal is under continuous organic management at all times on a certified organic operation; and

(ix) After the 12-month period ends, any new dairy animal brought onto a producer's dairy farm(s) for organic milk production must be an animal under continuous organic management from the last third of gestation or a transitioned animal sourced from another certified organic dairy farm.

(3) *Breeder stock.* Livestock used as breeder stock may be brought from a nonorganic operation onto an organic operation at any time, *Provided,* That the following conditions are met:

(i) Such breeder stock must be brought onto the operation no later than the last third of gestation if its offspring are to be raised as organic livestock; and

(ii) Such breeder stock must be managed organically throughout the last third of gestation and the lactation period during which time they may nurse their own offspring.

(b) The following are prohibited:

(1) Livestock, edible livestock products, or nonedible livestock products such as animal fiber that are removed from an organic operation and subsequently managed on a nonorganic operation may not be sold, labeled, or represented as organically produced.

(2) Breeder stock, dairy stock, or transitioned animals that have not been under continuous organic management since the last third of gestation may not be sold, labeled, or represented as organic slaughter stock.

(c) The producer of an organic livestock operation must maintain records sufficient to preserve the identity of all organically managed animals, including whether they are transitioned animals, and edible and nonedible animal products produced on the operation.

■ 4. Section 205.237 is amended by revising paragraph (a) to read as follows:

§ 205.237 Livestock feed.

(a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are organically produced and handled by operations certified to the NOP, except as provided in § 205.236(a)(2)(iii), except, that, synthetic substances allowed under § 205.603 and nonsynthetic substances not prohibited under § 205.604 may be used as feed additives and feed supplements, *Provided,* That, all agricultural ingredients included in the ingredients list, for such additives and supplements, shall have been produced and handled organically.

* * * * *

■ 5. Section 205.239 is amended by revising paragraph (a)(3) to read as follows:

§ 205.239 Livestock living conditions.

(a) * * *

(3) Appropriate clean, dry bedding. When roughages are used as bedding, they shall have been organically produced in accordance with this part by an operation certified under this part, except as provided in § 205.236(a)(2)(iii), and, if applicable, organically handled by operations certified to the NOP.

* * * * *

Dated: April 23, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–09851 Filed 4–27–15; 8:45 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 360

RIN 3064–AE33

Large Bank Deposit Insurance Determination Modernization

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: The FDIC is seeking comment on whether certain insured depository institutions that have a large number of deposit accounts, such as more than two million accounts should be required to undertake actions to ensure that, if one of these banks were to fail, depositors would have access to their FDIC-insured funds in a timely manner (usually within one business day of failure). Specifically, the FDIC is seeking comment on whether these banks should be required to: (1) Enhance their recordkeeping to maintain (and be able to provide the FDIC) substantially more accurate and complete data on each depositor's ownership interest by right and capacity (such as single or joint ownership) for all or a large subset of the bank's deposit accounts; and (2) develop and maintain the capability to calculate the insured and uninsured amounts for each depositor by deposit insurance capacity for all or a substantial subset of deposit accounts at the end of any business day. This ANPR does not contemplate imposing these requirements on community banks.

DATES: Comments must be received by the FDIC no later than July 27, 2015.

ADDRESSES: You may submit comments on the advance notice of proposed rulemaking using any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow the instructions for submitting comments on the agency Web site.
- *Email: comments@fdic.gov.* Include RIN 3064–AE33 on the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.
- Public Inspection: All comments received, including any personal information provided, will be posted generally without change to *http://www.fdic.gov/regulations.laws/federal/.*

FOR FURTHER INFORMATION CONTACT: Marc Steckel, Deputy Director, Division of Resolutions and Receiverships, 571–858–8224; Teresa J. Franks, Assistant Director, Division of Resolutions and Receiverships, 571–858–8226; Christopher L. Hencke, Counsel, Legal Division, 202–898–8839; Karen L. Main, Counsel, Legal Division, 703–562–2079.

SUPPLEMENTARY INFORMATION:

I. Deposit Insurance

Under section 11 of the Federal Deposit Insurance Act (''FDI Act''), the FDIC is responsible for paying deposit insurance ''as soon as possible'' following the failure of an insured depository institution. [1] [2] While the FDIC may pay insurance either in cash (a ''payout'') or by making available to each depositor a ''transferred deposit'' in another insured depository institution (which could be a bridge bank),[3] in most cases the FDIC uses transferred deposits.

Although the statutory requirement that the FDIC pay insurance ''as soon as possible'' [4] does not obligate the FDIC to pay insurance within a specific period of days or weeks, the FDIC strives to pay insurance promptly. Indeed, the FDIC strives to make most insured deposits available to depositors by the next business day after a bank fails (usually the Monday following a Friday failure). For several reasons, the FDIC believes that prompt payment of deposit insurance is essential. First, prompt payment of deposit insurance maintains public confidence in the FDIC guarantee as well as confidence in the banking system. Second, depositors must have prompt access to their insured funds in order to meet their financial needs and obligations. Third, a delay in the payment of deposit insurance—especially in the case of the failure of one of the largest insured depository institutions—could have systemic consequences and harm the national economy. Fourth, a delay could reduce the franchise value of the failed bank and thus increase the FDIC's resolution costs.[5]

Under section 11 of the FDI Act, the FDIC pays insurance up to the ''standard maximum deposit insurance amount'' or ''SMDIA'' of $250,000.[6] In applying the SMDIA, the law requires the FDIC to aggregate the amounts of all deposits in the insured depository institution that are maintained by a depositor ''in the same capacity and the same right.'' [7] For example, before the $250,000 limit is applied, all single ownership accounts owned by a particular depositor must be aggregated. Such accounts, however, are insured separately from joint ownership accounts because joint ownership represents a separate ''capacity and right.''

In accordance with section 11, the FDIC has recognized a number of ownership ''capacities'' or account categories. Some of the most common account categories are the following: (1) Single ownership accounts; (2) joint ownership accounts; (3) certain retirement accounts; and (4) revocable trust accounts (informal ''payable-on-death'' accounts as well as formal ''living trust'' accounts).[8] Appendix A contains a list of deposit insurance account categories.

While the FDIC is authorized to rely upon the account records of the failed insured depository institution to identify owners and insurance categories,[9] the failed bank's records are often ambiguous or incomplete. For example, the FDIC might discover multiple accounts under one name but at different addresses. Conversely, the FDIC might discover accounts under different names but at the same address. In such circumstances, the FDIC is faced with making a potentially erroneous overpayment or delaying the payment of insured amounts to depositors while it manually reviews files and obtains additional information from the account holders about the ownership of the accounts.

The problem identifying the owners of deposits is exacerbated when an account at a failed bank has been opened through a deposit broker or other agent or custodian. In this scenario, neither the name nor the address of the owner may appear in the failed bank's records. The only party identified in the records might be the custodian. The FDIC is faced with decision to overpay erroneously deposit insurance or to delay payment to insured depositors until information is obtained from the custodian as to the

[1] As used in this ANPR, the term ''bank'' is synonymous with ''insured depository institution.''

[2] 12 U.S.C. 1821(f)(1).

[3] *Id.*

[4] *Id.*

[5] *See* 70 FR 73652, 73653–54 (December 13, 2005).

[6] 12 U.S.C. 1821(a)(1)(E).

[7] 12 U.S.C. 1821(a)(1)(C).

[8] *See* 12 CFR 330.6 (governing the coverage of single ownership accounts); 12 CFR 330.9 (joint ownership accounts); 12 CFR 330.14(b)(2) (retirement accounts); 12 CFR 330.10 (revocable trust accounts).

[9] *See* 12 U.S.C. 1822(c); 12 CFR 330.5.

actual owners and their respective interests.[10]

In some cases, even when the owner of a particular account is clearly disclosed in the failed bank's account records, the FDIC may be required to obtain additional information before applying the $250,000 limit. For example, in the case of revocable trust accounts, the account owner's coverage depends upon the number of testamentary beneficiaries (the coverage generally is $250,000 times the number of beneficiaries).[11] Generally, when an account is an informal ''pay-on-death'' or ''POD'' account, the identities of the beneficiaries are contained in the bank's records, but are not electronically stored in a structured way using standardized formatting. When an account has been opened in the name of a formal revocable ''living trust,'' the beneficiaries typically are not contained in the bank's records at all. As a result, if the balance of the account exceeds $250,000, the FDIC is faced with the decision to overpay erroneously deposit insurance or delay payment to insured depositors until the account owner provides the FDIC with a copy of the trust agreement (or otherwise provides the FDIC with information about the account beneficiaries). To complicate the insurance determination further, bank records on trust accounts are often in paper form, microfiche, or electronically scanned images that the FDIC must manually review, since these records cannot be processed electronically. This manual review is time consuming. As with brokered or other custodial deposits, the number of such trust accounts could be quite large at certain institutions.

II. Section 360.9—Large Bank Deposit Insurance Determination Modernization

The FDIC previously attempted to enhance its ability to make prompt deposit insurance determinations at larger insured depository institutions through the adoption of § 360.9 of its regulations.[12] Effective August 18, 2008,[13] § 360.9 requires insured institutions covered by its requirements to maintain processes that would provide the FDIC with standard deposit account information promptly in the event of the institution's failure. In addition, § 360.9 requires these institutions to maintain the technological capability to automatically place and release holds on deposit accounts. If certain banks with a large number of deposit accounts were to fail with little prior warning, however, additional measures are likely to be needed to ensure the rapid application of deposit insurance limits to all deposit accounts.

Section 360.9 applies to ''covered institutions,'' with the term ''covered institution'' defined as an insured depository institution with at least $2 billion in domestic deposits and at least (1) 250,000 deposit accounts; or (2) $20 billion in total assets.[14] Section 360.9 requires a covered institution to have in place an automated process for placing and removing holds on deposit accounts and certain other types of accounts concurrent with or immediately following the daily deposit account processing on the day of failure.

Under § 360.9, a covered institution is also required to be able to produce upon request data files that use a standard data format populated by mapping preexisting data elements regarding deposit accounts.[15] For accounts in most of the deposit insurance categories recognized by the FDIC, the required information includes the deposit insurance category.[16] The required information also includes the customer's name and address.[17] At failure (or before), § 360.9 contemplates that the covered institution would transmit its § 360.9 data to the FDIC so that the FDIC could determine specifically which amounts were insured and which were not. In general, the determination would not be made on closing night, and, for many accounts, would not be made on closing weekend.

The self-described purpose of § 360.9 is the following: ''This section is intended to allow the deposit and other operations of a large insured depository institution (defined as a 'Covered Institution') to continue functioning on the day following failure. It also is intended to permit the FDIC to fulfill its legal mandates regarding the resolution of failed insured institutions[,] to provide liquidity to depositors promptly, enhance market discipline, ensure equitable treatment of depositors at different institutions and reduce the FDIC's costs by preserving the franchise value of a failed institution.'' [18]

III. The Need for Additional Rulemaking

The lessons of the financial crisis, which peaked in the months following the promulgation of the FDIC's Final Rule prescribing § 360.9, illustrate definitively that further changes are needed to ensure that the FDIC can maintain the public trust in the banking system and can fulfill its statutory obligation to make insured depositors whole ''as soon as possible.''

A significant change to the banking industry resulting from the financial crisis affecting FDIC deposit insurance determinations arises out of further consolidation of the industry, particularly for larger firms. In 2005 the FDIC noted:

> Industry consolidation raises practical concerns about the FDIC's current business model for conducting a deposit insurance determination. Larger institutions—especially those initiating recent merger activity—are considerably more complex, have more deposit accounts, greater geographic dispersion, more diversity of systems and data consistency issues arising from mergers than has been the case historically. . . . Should such trends continue, deposits will become even more concentrated in the foreseeable future.[19]

Such trends have not only continued, they accelerated as a result of the crisis, as reflected in Table A.

TABLE A—DEPOSIT ACCOUNT CONCENTRATIONS

	June 2008	December 2014	Percent increases
Largest number of deposit accounts at a single bank	59,604,549	84,491,835	42
Number of deposit accounts at the 10 banks having the most deposit accounty	254,180,422	318,809,420	25

[10] In the case of accounts held by agents or custodians, the FDIC provides ''pass-through'' insurance coverage (meaning that the coverage ''passes through'' the agent or custodian to each of the actual owners). *See* 12 CFR 330.7. The FDIC cannot apply the $250,000 limit on a ''pass-through'' basis, however, until the FDIC has obtained records from the custodian as to the identities and interests of the actual owners. *See* 12 CFR 330.5.

[11] *See* 12 CFR 330.10.

[12] 12 CFR 360.9.

[13] *See* 73 FR 41180 (July 17, 2008).

[14] 12 CFR 360.9(b)(1).

[15] 12 CFR 360.9(d).

[16] 12 CFR 360.9, appendix C.

[17] 12 CFR 360.9, appendix F.

[18] 12 CFR 360.9(a).

[19] Advance Notice of Proposed Rulemaking, 70 FR 73652, 76354 (December 13, 2005).

As a result of this concentration, many institutions are more complex with more serious systems and data consistency challenges.

The financial crisis also reinforced the challenges posed by multiple and rapid resolution of banks. Since the beginning of 2008, 511 insured depository institutions failed, comprising a total asset value of approximately $696 billion. These failed banks range in asset value from a few million to over $300 billion. Still other firms, including some of the largest banking organizations, were spared from failure only by extraordinary government intervention. These experiences indicate to the FDIC that the provisional account holds and other requirements finalized in § 360.9 are not sufficient to mitigate the complexities of large institution failures. Further measures are required. This is especially true because the experience of the financial crisis indicates that failures can often happen with no or little notice and time for the FDIC to prepare. Since 2009, the FDIC has been called upon to resolve 47 institutions within 30 days from the launch of the resolution process to the ultimate closure of the bank. In addition to these rapid failures, the financial condition of two banks with a large number of accounts—Washington Mutual Bank and Wachovia Bank—deteriorated very quickly in 2008, leaving the FDIC little time to prepare.

The implementation of § 360.9 requirements by covered firms also underscores the need for further measures. The FDIC has worked with covered institutions for several years to implement § 360.9. Based on its experience reviewing banks' deposit data, deposit systems and mechanisms for imposing provisional holds, staff has concluded that § 360.9 has not been as effective as had been hoped in enhancing the capacity to make prompt deposit insurance determinations. For the reasons discussed below, the FDIC has concluded, that, if certain banks with a large number of accounts were to fail with little prior notice and an insurance determination were required, additional measures would be needed, beyond those set out in § 360.9, to provide assurance that a deposit insurance determination would be made promptly and accurately. Because delays in insurance determinations could lead to bank runs or other systemic problems, the FDIC believes that improved strategies must be implemented to ensure prompt deposit insurance determinations at failures of banks with a large number of deposit accounts.

First, in reviewing covered institutions for compliance with § 360.9 requirements, the FDIC has often found inconsistent and missing data.

Second, the continued growth following the promulgation of § 360.9 in the number of deposit accounts at larger banks and the number and complexity of deposit systems (or platforms) in many of these banks would exacerbate the difficulties at making prompt deposit insurance determinations.

Third, using the FDIC's information technology systems to make deposit insurance determinations at a failed bank with a large number of deposit accounts would require the transmission of massive amounts of deposit data from the bank's systems (now held by the bank's successor) to the FDIC's systems. The FDIC would have to process this data. The time required to transmit and process such a large amount of data present a challenge in making an insurance determination on the night of closing (''closing night'') or possibly even on closing weekend, if the bank was closed on a Friday. A failed bank that has multiple deposit systems would further complicate the aggregation of deposits owned by a particular depositor in a particular right and capacity, causing additional delay.

Finally, if a bank with a large number of deposit accounts were to fail suddenly because of liquidity problems, the FDIC's opportunity to prepare for the bank's closing would be limited, thus further exacerbating the challenge in making a prompt deposit insurance determination.[20]

IV. Possible Solution

The FDIC is seeking comment on what additional regulatory action should be taken to ensure that deposit insurance determinations can be made promptly when certain banks with a large number of deposit accounts, such as more than two million accounts, fail. The two million account threshold would affect about 37 banks as of December 31, 2014. In determining whether to initiate the rulemaking process, the FDIC will carefully consider all comments from the public, as well as any relevant data or information submitted by the public.

Based on the FDIC's experience, however, and as reflected in the discussion that follows, it seems likely that certain banks with a large number of deposit accounts (*e.g.,* more than two million accounts) will have to: (1) Enhance their recordkeeping to maintain substantially more accurate and complete data on each depositor's ownership interest by right and capacity (such as single or joint ownership) for all or a large subset of the bank's deposit accounts; and (2) develop and maintain the capability to calculate the insured and uninsured amounts for each depositor by deposit insurance category for all or a substantial subset of deposit accounts at the end of any business day. This ANPR does not, however, contemplate imposing additional requirements on community banks.

The goal of any regulatory action would be to: (1) Address the additional challenges in making deposit insurance determinations posed by certain banks with a large number of deposit accounts, which have only increased in magnitude following the financial crisis; (2) enhance capabilities to make prompt deposit insurance determinations in the event of the sudden failure of one of these banks; (3) safeguard the Deposit Insurance Fund by avoiding overpayment of deposit insurance and other potential consequences from the failure of a bank with a large number of accounts; and (4) ensure that public confidence is maintained and depositors' expectations of prompt payment of insured deposits are met.

If certain banks with a large number of deposit accounts were to fail and a deposit insurance determination were necessary, one possible process for making deposit insurance determinations (described here for purposes of soliciting comment) would be as follows. For a large subset of deposits (''closing night deposits''), including those where depositors have the greatest need for immediate access to funds (such as transaction accounts and money market deposit accounts (''MMDAs'')), deposit insurance determinations would be made on closing night. The failed bank's information technology systems and data would be used to calculate insured and uninsured amounts. As discussed below, the FDIC seeks comment on the types of deposits that should be deemed ''closing night deposits.''

To make a deposit insurance determination on closing night would require that certain banks with a large number of deposit accounts:

1. Obtain and maintain data on all closing night deposits, including outstanding official items, that are sufficiently accurate and complete to allow the determination of the insured and uninsured amounts for each depositor by deposit insurance right and capacity (that is, by deposit insurance category) at the end of any business day (since failure can occur on any business day). To allow the FDIC to examine banks' data, banks with a large number

[20] *See* 71 FR 74857, 74859 (December 13, 2006).

of deposit accounts would have to maintain this data using a standard format and the data would have to meet quality and completeness standards; and

2. Develop and maintain an information technology system that can calculate the insured and uninsured amounts of closing night deposits for each depositor by deposit insurance category at the end of any business day.

Deposit insurance determinations on all other deposits (''post-closing deposits'') would be made after closing night, either on closing weekend (if the bank fails and is closed on a Friday) or thereafter. The FDIC envisions that, as currently contemplated by § 360.9, the failed bank's information technology and deposit systems would be used to place provisional holds on post-closing deposits on closing night. The FDIC also envisions that the failed bank's information technology and deposit systems would be used to calculate the insured and uninsured amounts of post-closing deposits.

For this process to work, it would require that a bank with a large number of deposit accounts obtain and maintain data on all post-closing deposits that are sufficiently accurate and complete to allow a prompt determination of the insured and uninsured amounts for each depositor by deposit insurance category. Moreover, this data will likely have to be more accurate and complete than the data some of these banks maintain now and would have to be maintained using a standard format. Alternatively, this information might be gathered post-failure using a claims administration process where depositors would be required to submit a proof of claim to the FDIC. As discussed below, the FDIC seeks comment on which types of deposits should be deemed post-closing deposits and on data requirements for various types of potential post-closing deposits.

The FDIC recognizes that the deposit insurance determination processes described above and the requirements they would impose could require banks with a large number of deposit accounts to make substantial changes to their recordkeeping and information systems. The complexity of the deposit insurance coverage rules contributes to the challenge of making deposit insurance determinations at these banks. As shown in Appendix A, there are more than a dozen different deposit insurance categories or ''rights and capacities'' in which a depositor can own funds in an FDIC-insured institution.

Simplifying deposit insurance coverage rules likely would enable the FDIC to perform deposit insurance determinations much more quickly and accurately but might also entail reduced insurance coverage to some affected depositors. For example, deposit insurance coverage for trust accounts is complex in part because it depends upon the number of beneficiaries, whose names often do not appear in bank records. Replacing ''per beneficiary'' coverage with ''per grantor'' or ''per trust'' coverage would greatly simplify the insurance determination but result in reduced insurance coverage.

V. Request for Comment

By describing the processes above for making deposit insurance determinations at certain banks with a large number of deposit accounts that fail and discussing the requirements these processes would entail for these banks, the FDIC does not intend to preclude consideration of other possible solutions to the problem of making prompt deposit insurance determinations if one of these banks were to fail. On the contrary, the FDIC is interested in exploring all means that would result in prompt deposit insurance determinations. The FDIC invites comments on the processes described above and the requirements they would impose, as well as suggestions for and comment on other possible solutions.

The FDIC also requests comment on the questions set out below. In addition, the FDIC is requesting the opportunity to schedule meetings with interested parties during the development of a regulatory proposal. Any such meetings will be documented in the FDIC's public files to note the institution's or entity's general views on the ANPR or their answers to questions that have been posed in this ANPR. Any institution or organization that would like to request such a meeting to discuss the proposal in more detail and make suggestions or comments should contact Marc Steckel, Deputy Director, Division of Resolutions and Receiverships, 571–858–8224.

General Issues

Applicability

This ANPR presents potential options that, if adopted, would impose requirements only on certain banks with a large number of deposit accounts.

- In general, which banks should be subject to the requirements discussed in this ANPR?
- To what size banks, as measured by number of deposit accounts, should possible rulemaking apply? Should requirements be tiered based on these criteria?
- Should other factors or a combination of factors be used to determine which banks would be subject to the requirements?
- Should bank affiliates of certain banks with a large number of deposit accounts be subject to the requirements, regardless of their size or number of deposit accounts? Why or why not?

Challenges, Costs and Tradeoffs

- Which requirements would likely cause the most significant changes to banks' deposit operations and systems?
- What are the costs associated with the requirements; for example, what is the cost of—
  - Obtaining and maintaining data on all closing night deposits that is sufficiently accurate and complete to allow the determination of the insured and uninsured amounts for each depositor at the end of any business day;
  - Developing and maintaining an information technology system that, on closing night, can calculate the insured and uninsured amounts of closing night deposits for each depositor by deposit insurance category at the end of any business day;
  - Obtaining and maintaining more accurate and complete data on post-closing deposits; and
  - Disclosing and making available each customer's level of insured and uninsured deposits on a daily basis?
- Which requirements would be the most costly to implement? Why? Please provide estimates of the potential cost(s).
- Could the implementation and maintenance costs be mitigated while still meeting the FDIC's objective of timely deposit insurance determinations? Are there any adjustments to the processes and requirements discussed above that would reduce costs while still meeting the objectives? If so, please describe them.
- How could the current IT capabilities at banks with a large number of deposit accounts best be used to minimize the cost of the requirements?
- Are there related bank activities or regulatory requirements that would reduce the cost of implementation or would implementation of any requirements considered in this ANPR reduce the costs of implementing other rules? If so, what are the activities or requirements, and how might they be used to reduce costs? For example, could banks reduce regulatory costs by leveraging work on—

○ Liquidity measurement, which may require categorizing deposits so as to measure stressed outflows;

○ Stress testing, which may require analyzing and/or segmenting deposits to determine how they would behave during a period of stress;

○ Anti-money laundering requirements that may require frequent tracking of deposits; and

○ Resolution planning for many insured depository institutions, which requires banks to develop credible resolution plans?

• Banks have operational schedules for synchronizing systems for reporting at month-end, quarter-end and year-end. How disruptive or expensive would off-period reporting be? How long would it take to develop the ability for off-period reporting?

• What is the current state of IT systems for tracking deposit accounts and customers at certain banks that have a large number of deposit accounts? Are the systems modern and effective? Are banks already planning upgrades for other reasons? Are there currently shortcomings in these systems that impede the ability to process transactions effectively, maintain data security and implement cross-product marketing strategies?

Benefits

• In light of the financial crisis, what are the potential benefits arising from reduced losses to the DIF and to public confidence and financial stability from systems upgrades that ensure the ability of certain banks with a large number of deposit accounts to make prompt deposit insurance determinations in the event of failure?

• Are there potential spillover benefits that would accrue from the proposed systems changes considered in this ANPR in terms of banks' ability to process transactions, maintain data security, and implement cross-product marketing strategies? Would the benefits of the changes considered in this ANPR accrue only to the public in the FDIC's ability to carry out a deposit insurance determination, or would there be spillover benefits for the banks themselves?

Timetable for Implementation

The FDIC recognizes that banks with a large number of deposit accounts may need substantial time to implement the requirements described in this ANPR.

• How long should banks with a large number of deposit accounts be given to implement the requirements contemplated by this ANPR and why?

• Are there particular requirements that would take more time to implement? If so, which requirements would pose these delays? Why?

• If new requirements are adopted, should the FDIC set a single implementation date or phase in the requirements?

Providing Depositors with the Insured and Uninsured Amount of Their Deposits

• If a bank can readily determine the amount of FDIC-insured funds in a depositor's accounts, would it be beneficial to provide this information to the depositor? Should banks be required to provide this information to depositors?

Closing Night Deposits and Post-Closing Deposits

The discussion that follows focuses on when deposit insurance determinations should be made for various types of deposit accounts.

Savings and Time Accounts

At a minimum, to meet depositors' immediate liquidity needs, deposit insurance determinations would have to be made on transaction and MMDA accounts on closing night. One possibility would focus on making deposit insurance determinations only for transaction and MMDA accounts on closing night, so that banks with a large number of deposit accounts would have to create the capacity to calculate insured and uninsured amounts and debit uninsured balances on closing night only for these types of accounts. Holds would be placed on other types of accounts. Shortly after failure, insurance determinations would be completed for these accounts, and the holds would be replaced with the appropriate debits and credits.

• Should this approach be used? Why or why not?

• How important is it to depositors to be able to have immediate or quick access to accounts other than transaction accounts and MMDAs? Does it depend on the size of the deposit? What are the potential costs associated with delays for these accounts?

• What problems or complications might arise if this approach were used?

• From a depositor's perspective, this approach would differ from the approach now used by the FDIC at smaller banks. At smaller banks, the insurance determination for all accounts (except those where more information is needed from a depositor) is completed over the weekend following a Friday night bank failure and depositors generally have access to their funds the next business day after the bank fails. How confusing would this be for depositors? What types of problems might this differing treatment introduce?

Pass-Through Coverage Accounts

In the case of accounts held by agents or custodians, the FDIC provides ''pass-through'' insurance coverage (*i.e.,* coverage that ''passes through'' the agent or custodian to each of the actual owners).[21] This coverage is not available, however, unless certain conditions are satisfied. One of these conditions is that information about the actual owners must be held by either the insured depository institution or by the agent or custodian or other party.[22] In most cases, the agent or custodian holds the necessary information and the insured depository institution does not, thus making it impossible to determine deposit insurance coverage on closing night. The need to obtain information from the agents or custodians delays the calculation of deposit insurance by the FDIC, which may result in delayed payments of insured amounts or erroneous overpayment of insurance. At certain banks with a large number of deposit accounts and large numbers of pass-through accounts, potential delays or erroneous overpayments could be substantial. A few options to resolve this problem are described below.

Option 1: Require banks with a large number of deposit accounts to identify pass-through accounts, and place holds on these accounts as if the full balance were uninsured. If such a bank failed, brokers, agents and custodians would have to submit required information in a standard format within a certain time. The standard format could expedite deposit insurance determinations.

Option 2: A bank with a large number of deposit accounts would have to maintain up-to-date records sufficient to allow immediate or prompt insurance determinations either for all pass-through accounts or for certain types of pass-through accounts where depositors need access to their funds immediately.

• In addition to brokered deposits that are reported on the Call Report, how many accounts with pass-through coverage do banks with a large number of deposit accounts have (numbers and dollars)?

• For what types of brokered, agent or custodial accounts at banks with a large number of deposit accounts would owners likely need immediate or near-immediate access to funds after failure?

• How difficult would it be for banks with a large number of deposit accounts to maintain current records on

[21] *See* 12 CFR 330.7.

[22] *See* 12 CFR 330.5.

beneficial owners of pass-through accounts? Are there certain types of pass-through accounts where maintaining current records might be relatively easy or relatively difficult?

• In particular, do banks with a large number of deposit accounts maintain full and up-to-date information on the owners of brokered deposit accounts where the broker is an affiliate of the bank? If not, how difficult would it be for banks to maintain current records on beneficial owners of pass-through accounts where the broker is an affiliate of the bank?

• What would the challenges and costs be for agents and custodians to provide information to banks on each principal and beneficiary's interest and to update that information whenever it changes? How do these costs compare to the cost of providing the data in a standard format at closing?

• Which option for pass-through accounts should the FDIC adopt? Why? Is another option preferable? If so, please describe it.

Prepaid Card Accounts

The FDIC's rules for ''pass-through'' insurance coverage of accounts held by agents or custodians apply to all types of custodial accounts, including accounts held by prepaid card companies or similar companies. After collecting funds from cardholders (in exchange for the cards), the prepaid card company might place the cardholders' funds into a custodial account at an insured depository institution. Some cardholders might use these cards (and the funds in the custodial account) as a substitute for a checking account. In the event of the failure of the insured depository institution, the cardholders will likely need immediate access to the funds in the custodial account to meet their basic financial needs and obligations.

• To prevent delays in the payment or erroneous insurance overpayments, should the FDIC impose recordkeeping or other requirements on banks with a large number of deposit accounts that would enable a prompt determination of the extent of deposit insurance coverage for prepaid cards, possibly on closing night?

• How difficult would it be for banks with a large number of deposit accounts to maintain current records on each prepaid cardholder's ownership interest?

How difficult would it be for prepaid card issuers to regularly provide current information on each cardholder's ownership interest to banks with a large number of deposit accounts?

Trust Accounts

In the case of revocable and irrevocable trust accounts, the FDIC provides ''per beneficiary'' insurance coverage subject to certain conditions and limitations.[23] For informal trusts (payable-on-death accounts), the bank may have either structured or unstructured information about beneficiaries. In many cases, however, the FDIC cannot calculate ''per beneficiary'' coverage until it obtains a copy of the trust agreement (with information about the number of beneficiaries and the respective interests of the beneficiaries) from the depositor. The need to obtain and review the trust agreement delays the FDIC's calculation of insurance and may result in delay of insurance payments or overpayment of insurance amounts. Delays or erroneous overpayments may also occur even if the bank has the information for the informal trusts, but the information is not contained in its § 360.9 data. Two potential options for solving these problems are discussed below. These options are similar to the options discussed above for pass-through accounts.

Option 1: A bank with a large number of deposit accounts would have to maintain standardized data on trust accounts to ensure that insured depositors can be paid promptly at failure. These banks would have to collect and maintain relevant information about beneficiaries.

Option 2: Require that banks with a large number of deposit accounts maintain complete information under § 360.9 to identify trust accounts and their owners (but not necessarily beneficiaries). If such a bank failed, preliminary insured and uninsured amounts would be calculated based on the assumption that there is one qualified beneficiary for each trust. Owners of potentially uninsured trust accounts would have to submit required information in a standard format within a certain time to receive greater coverage for multiple beneficiaries.

• How many trust accounts do banks with a large number of deposit accounts have (numbers and dollar amounts)?

• How many trust accounts are transaction accounts that depositors will likely need access to immediately after failure? Would providing access to up to $250,000 immediately after failure be sufficient (with additional insured funds being provided later, when the insurance determination is completed)?

• What challenges would trust account holders face if they had to submit information in a standard format to gain the full benefits of insurance coverage beyond $250,000 per grantor? Would the associated costs exceed the cost of the alternative, which could entail potentially lengthy delays in gaining the additional insurance coverage?

• How difficult would it be for banks with a large number of deposit accounts to maintain current records on each beneficiary's ownership interest? How much information do banks already collect and retain on beneficiaries?

• How difficult would it be for trustees to supply the information to banks and keep it current?

• Under the two options for trust accounts described above, trust account holders would be treated differently at banks with a large number of deposit accounts compared to other banks, since neither option is required at any bank now. What problems might that cause?

• Which option should the FDIC adopt? Why? Is another option preferable?

• In conjunction with considering how trust accounts should be treated on and post-closing night, how should the FDIC revise the rules for the coverage of trust accounts?

Special Deposit Insurance Categories Created by Statute

Special statutory rules apply to the insurance coverage of certain types of accounts, including retirement accounts,[24] employee benefit plan accounts[25] and government accounts.[26] In some cases, the FDIC cannot apply these special statutory rules without obtaining information from the depositor, which delays the calculation and payment of deposit insurance. Though the FDIC cannot change these special statutory rules, the FDIC could pursue options that are similar to those discussed in the previous section for pass-through accounts.

• How many of these accounts do banks with a large number of deposit accounts have (numbers and dollar amounts)?

• How urgently do depositors need immediate or near-immediate access to these types of funds after failure?

• These accounts often have characteristics similar to accounts with pass-through coverage. Can banks with a large number of deposit accounts reliably distinguish these special statutory accounts from accounts with pass-through insurance coverage?

• How difficult would it be for banks with a large number of deposit accounts

[23] *See* 12 CFR 330.10; 12 CFR 330.13.

[24] *See* 12 U.S.C. 1821(a)(3).

[25] *See* 12 U.S.C. 1821(a)(1)(D).

[26] *See* 12 U.S.C. 1821(a)(2).

to maintain full and up-to-date information on the owners of these accounts? How difficult would it be for depositors to supply the information and keep it current? Are there certain types of accounts where maintaining current records might be relatively easy or relatively difficult?

• Should the FDIC apply any of the options for pass-through accounts (described above) to these accounts? If so, which one? Why? Is another option preferable?

Appendix A—Deposit Insurance Categories

The following is a list of the various deposit insurance categories with references to the FDIC's regulations or to statute. Several of the categories have a statutory basis, but only the reference to the FDIC's implementing regulation is given.

1. Revocable trust accounts. (12 CFR 330.10.)
2. Irrevocable trust accounts. (12 CFR 330.13.)
3. Joint accounts. (12 CFR 330.9.)
4. Employee benefit accounts. (12 CFR 330.14.)
5. Public unit accounts. (12 CFR 330.15.)
6. Mortgage escrow accounts for principal and interest payments. (12 CFR 330.7(d).)
7. Business organizations. (12 CFR 330.11.)
8. Single accounts. (12 CFR 330.6.)
9. Public bonds accounts. (12 CFR 330.15(c).)
10. Irrevocable trust account with an insured depository institution as trustee. (12 CFR 330.12.)
11. Annuity contract accounts. (12 CFR 330.8.)
12. Custodian accounts for American Indians. (12 CFR 330.7(e).)
13. Accounts of an insured depository institution pursuant to the bank deposit financial assistance program of the Department of Energy. (12 U.S.C . 1817 (i)(3).)
14. Certain retirement accounts. (12 CFR 330.14 (b) and (c).)

Pass-through insurance (12 CFR 330.5 and 330.7) is not a deposit insurance category, but can be applied to the categories listed above.

By order of the Board of Directors.

Dated at Washington, DC, this 21st day of April 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–09650 Filed 4–27–15; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2015–0216]

RIN 1625–AA08

Special Local Regulation; Suncoast Super Boat Grand Prix; Gulf of Mexico, Sarasota, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend a special local regulation on the waters of the Gulf of Mexico in the vicinity of Sarasota, Florida during the Suncoast Super Boat Grand Prix. The event is scheduled to take place annually on the first Friday, Saturday, and Sunday of July from 10 a.m. to 5 p.m. The proposed amendment to the special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on the navigable waters of the United States during the event. The special local regulation would restrict vessel traffic in the Gulf of Mexico near Sarasota, Florida. It would establish the following three areas: A race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; a spectator area, where all vessels must be anchored or operate at No Wake Speed; and an enforcement area where designated representatives may control vessel traffic as determined by prevailing conditions.

DATES: Comments and related material must be received by the Coast Guard on or before May 11, 2015.

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

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

(2) *Fax:* (202) 493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Brett S. Sillman, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *D07-SMB-Tampa-WWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–0216 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit

comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2015–0216 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Regulatory History and Information

The Coast Guard is proposing to amend the special local regulation on the waters of the Gulf of Mexico in the vicinity of Sarasota, Florida during the Suncoast Super Boat Grand Prix. The event is scheduled to take place the first Friday, Saturday, and Sunday in July from 10 a.m. to 5 p.m. This proposed rule is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on the navigable waters of the United States during the event.

C. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233 and 33 CFR 1.05–1.

The purpose of the proposed rule is to provide for the safety of life on navigable waters of the United States during the Suncoast Super Boat Grand Prix.

D. Discussion of Proposed Rule

This proposed rule is necessary to amend a special local regulation that will encompass certain waters of the Gulf of Mexico in Sarasota, Florida. The proposed special local regulation would be enforced annually during the first Friday, Saturday, and Sunday of July from 10 a.m. to 5 p.m. The proposed special local regulations will establish the following three areas:

- A race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within;
- A spectator area, where all vessels must be anchored or operate at No Wake Speed; and
- An enforcement area where designated representatives may control vessel traffic as determined by the prevailing conditions.

The enforcement area encompasses both the race area and the spectator area.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the race area or enforcement area by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the race area or enforcement area is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The economic impact of this proposed rule is not significant for the following reasons: The special local regulations would be enforced for only seven hours a day for three days; although persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area or enforcement area without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; persons and vessels may still enter, transit through, anchor in, or remain within the race area and enforcement area if authorized by the Captain of the Port St. Petersburg or a designated representative; and the Coast Guard would provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners and/or on-scene designate representatives.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

The impact on small entities of this proposed rule is not significant for the following reasons: The special local regulations would be enforced for only seven hours a day for three days; although persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area or enforcement area without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; persons and vessels may still enter, transit through, anchor in, or remain within the race area and enforcement area if authorized by the Captain of the Port St. Petersburg or a designated representative; and the Coast Guard would provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners and/or on-scene designate representatives.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a

significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233, 33 CFR 1.05–1, Department of Homeland Security Delegation No. 0170.1(II)(70).

■ 2. Revise § 100.720 to read as follows:

§ 100.720 Special Local Regulations; Suncoast Super Boat Grand Prix, Gulf of Mexico; Sarasota, FL.

(a) *Regulated areas.* The following regulated areas are established as special local regulations. All coordinates are North American Datum 1983.

(1) *Race area.* All waters of the Gulf of Mexico encompassed by a line connecting the following points: 27°18.19′ N., 82°34.29′ W., thence to 27°17.42′ N., 82°35.00′ W., thence to 27°18.61′ N., 82°36.59′ W., thence to 27°19.58′ N., 82°35.54′ W., thence back to the original point 27°18.19′ N., 82°34.29′ W.

(2) *Enforcement area.* All waters of the Gulf of Mexico encompassed by a line connecting the following points: 27°17.87′ N., 82°33.93′ W., thence to position 27°16.61′ N., 82°34.69′ W., thence to position 27°18.53′ N., 82°37.52′ W., thence to position 27°20.04′ N., 82°35.76′ W., thence back to the original position 27°17.87′ N., 82°33.93′ W.

(3) *Spectator area.* All waters of within the enforcement area that are more than 500 yards from the race area.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the

Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area unless an authorized race participant.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) All vessels in the spectator area are to be anchored or operate at a No Wake Speed. On-scene designated representatives will direct spectator vessels to the spectator area.

(4) All vessel traffic not involved with the event shall enter and exit Sarasota Bay via Big Sarasota Pass and stay clear of the enforcement area.

(5) New Pass will be closed to all inbound and outbound vessel traffic at the COLREGS Demarcation Line. Vessels are allowed to utilize New Pass to access all areas inland of the Demarcation Line via Sarasota Bay. New Pass may be opened at the discretion of the Captain of the Port.

(6) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(d) *Enforcement period.* This section will be enforced annually the first Friday, Saturday, and Sunday of July from 10 a.m. to 5 p.m. EDT daily.

Dated: April 2, 2015.

G.D. Case,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2015–09860 Filed 4–27–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0873; FRL–9926–18–Region 9]

Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from organic solvents cleaning operations. We are proposing to rescind and approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by May 28, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0873 by one of the following methods:

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

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

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

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

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972–3024, *Lazarus.Arnold@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: YSAQMD Rule 1.1 ''General Provisions and Definitions,'' Rule 2.13 ''Organic Solvents,'' Rule 2.15 ''Disposal and Evaporation of Solvents,'' Rule 2.24 ''Solvent Cleaning Operations (Degreasing),'' and Rule 2.31 ''Solvent Cleaning and Degreasing.'' In the Rules and Regulations section of this **Federal Register**, we are approving Rule 1.1 and Rule 2.31 and rescinding Rule 2.13, Rule 2.15 and Rule 2.24, all local rules, in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

Dated: March 30, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–09735 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2012–0098; FRL–9926–92–Region–6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area; Determination of Attainment of the 1997 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to disapprove revisions to the Texas State Implementation Plan (SIP) submitted to meet certain requirements under section 182(c) of the Clean Air Act (CAA or Act) for the Dallas/Fort Worth (DFW) nonattainment area under the 1997 8-hour ozone standard. The revisions address the attainment demonstration submitted on January 17, 2012, by the Texas Commission on Environmental Quality (TCEQ) for the DFW Serious nonattainment area. The EPA is also proposing to determine that the DFW 8-hour ozone nonattainment area is currently attaining the 1997 ozone National Ambient Air Quality Standard (NAAQS). This determination is based upon certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS for the 2012–2014 monitoring period. If this proposed determination is made final, the requirements for this area to submit an attainment demonstration, a reasonable further progress (RFP) plan, contingency measures, and other planning SIPs related to attainment of the 1997 ozone NAAQS shall be suspended for so long as the area continues to attain the 1997 ozone NAAQS. This proposed action is consistent with the requirements of section 110 and part D of the CAA.

DATES: Comments must be received on or before May 28, 2015.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2012–0098, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions.
- *Email:* Ms. Carrie Paige at *paige.carrie@epa.gov.*
- *Mail or delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket No. EPA–R06–OAR–2012–0098. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Paige, telephone (214) 665–6521, email address *paige.carrie@epa.gov.* To inspect the hard copy materials, please contact Ms. Paige or Mr. Bill Deese at (214) 665–7253.

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

Table of Contents

I. What is the EPA proposing?
II. Our Action Under Section 182(c) of the CAA (the Serious Area Requirements)
  A. Background
  B. What is the EPA proposing to disapprove?
  C. What are the consequences of a disapproved SIP?
III. Our Action Under the Clean Data Determination
  A. Background
  B. EPA's Analysis of the Relevant Air Quality Data
IV. Proposed Action
V. Statutory and Executive Order Reviews

I. What is the EPA proposing?

The EPA is proposing to disapprove Texas's 8-hour ozone attainment demonstration for the DFW Serious nonattainment area because the area failed to attain the 1997 ozone NAAQS by the June 15, 2013 attainment date. EPA's analysis and findings are discussed in this proposed rulemaking.

We are also proposing to determine that the DFW ozone nonattainment area is currently in attainment of the 1997 ozone standard based on the most recent 3 years of quality-assured air quality data. Certified ambient air monitoring data show that the area has monitored attainment of the 1997 ozone NAAQS for the 2012–2014 monitoring period. This action is also known as a ''Clean Data Determination'' (see 40 CFR 51.1118).

This proposal is based on EPA's review of complete, quality assured and certified ambient air quality monitoring data for the 2010–2012 and 2012–2014 monitoring periods that are available in the EPA Air Quality System (AQS). The AQS report for these monitors, for 2010 through 2014, is provided in the docket for this rulemaking.

II. Our Action Under Section 182(c) of the CAA (the Serious Area Requirements)

A. Background

1. The National Ambient Air Quality Standards

Section 109 of the CAA requires the EPA to establish NAAQS for pollutants that may reasonably be anticipated to endanger public health and welfare and to develop a primary and secondary standard for each NAAQS. The primary standard is designed to protect human health with an adequate margin of safety and the secondary standard is designed to protect public welfare. The EPA has set NAAQS for six common air pollutants, also referred to as criteria pollutants: Carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. These standards present state and local governments with the minimum air quality levels they must meet to comply with the Act.

2. What is a State Implementation Plan?

The SIP is a plan for clean air, required by section 110 and other provisions of the CAA. The Act requires states to develop air pollution regulations and control strategies to ensure that for each area designated nonattainment for a NAAQS, state air quality will improve and meet the NAAQS established by the EPA. A SIP is a set of air pollution regulations, control strategies, other means or techniques, and technical analyses developed by the state, to ensure that the state meets the NAAQS. A SIP protects air quality primarily by addressing air pollution at its point of origin. A SIP can be extensive, containing state regulations or other enforceable documents, and supporting

information such as emissions inventories, monitoring networks, and modeling demonstrations. When a state makes changes to the regulations and control strategies in its SIP, such revisions must be submitted to the EPA for approval and incorporation into the federally-enforceable SIP.

3. What is ozone and what is the 1997 8-hour ozone standard?

Ozone is a gas composed of three oxygen atoms. Ground-level ozone is generally not emitted directly from a vehicle's exhaust or an industrial smokestack, but is created by a chemical reaction between volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the presence of sunlight.[1] Ozone is known primarily as a summertime air pollutant. Motor vehicle exhaust and industrial emissions, gasoline vapors, chemical solvents and natural sources emit NO_X and VOCs. Urban areas tend to have high concentrations of ground-level ozone, but areas without significant industrial activity and with relatively low vehicular traffic are also subject to increased ozone levels because wind carries ozone and its precursors hundreds of miles from their sources.[2]

On July 18, 1997, the EPA promulgated an 8-hour ozone NAAQS of 0.08 parts per million (ppm), known as the 1997 ozone standard.[3] See 62 FR 38856 and 40 CFR 50.10. Under EPA regulations at 40 CFR part 50, Appendix I, the 1997 ozone standard is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient ozone concentration is less than or equal to 0.08 ppm.

4. The DFW Nonattainment Area and Its Current Nonattainment Classification Under the 1997 Ozone Standard

On April 30, 2004, the EPA designated and classified the 9-county DFW area (consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant counties) as a Moderate nonattainment area under the 1997 ozone standard with an attainment date of no later than June 15, 2010 (see 69 FR 23858 and 69 FR 23951). However, the DFW area failed to attain the 1997 ozone standard by June 15, 2010, and was accordingly reclassified as a Serious ozone nonattainment area with an attainment date of no later than June 15, 2013 (75 FR 79302, December 20, 2010). Following reclassification to Serious, the State submitted a revised attainment plan for the DFW area dated January 17, 2012. The area failed to attain the 1997 ozone standard by June 15, 2013, and in a separate rulemaking, the EPA proposed to determine that the area did not attain the standard by the attainment date and to reclassify the area to Severe (see 80 FR 8274, February 17, 2015).

5. What is an attainment demonstration?

In general, an attainment demonstration shows how an area will achieve the standard as expeditiously as practicable, but no later than the attainment date specified for its classification. A typical attainment demonstration is made with the use of air quality models that simulate the changes of pollutant concentrations in the atmosphere encompassing the nonattainment area and thus is an estimate.[4] As a part of this showing, the demonstration should simulate projected emissions growth due to factors such as population growth and pollution reductions due to imposition of controls.

6. What did the state submit?

The TCEQ's January 17, 2012 attainment demonstration submittal for the DFW Serious nonattainment area included air quality modeling and a weight-of-evidence analysis in which the state purported that the area would attain by the area's attainment date of June 13, 2013; Motor Vehicle Emissions Budgets (MVEBs) for transportation conformity purposes; an analysis for Reasonably Available Control Measures (RACM); an analysis for Reasonably Available Control Technology (RACT); and a contingency plan. In addition, as part of the submission, the state addressed the CAA requirements for enhanced ambient monitoring and the clean-fuel fleet programs (CFFPs) at section 182(c) of the Act. On November 12, 2014, the EPA approved the RFP plan for the DFW Serious nonattainment area[5] and the associated contingency plan and found that the State has fulfilled the CAA requirements for enhanced ambient monitoring and the CFFPs (see 79 FR 67068). On March 27, 2015, the EPA approved the portion of the January 17, 2012 submittal that addresses the RACT requirements (see 80 FR 16291).

B. What is the EPA proposing to disapprove?

We are proposing to disapprove the DFW Serious area attainment demonstration because it was not adequate for the area to attain the 1997 ozone standard by its attainment date. Because we are disapproving the attainment demonstration, we must also disapprove the associated RACM analysis and MVEBs that are included within that attainment demonstration. Under the Act's RACM requirements, a State must implement all reasonable measures. EPA relates this requirement to the attainment demonstration by interpreting the requirement to call for any reasonable measures be implemented that would accelerate attainment of the standard. Because of the relationship to the attainment demonstration, the RACM analysis cannot be approved. Finally, approvable MVEBs must be consistent with an approvable attainment plan.

C. What are the consequences of a disapproved SIP?

This section explains the consequences of disapproval of a SIP that addresses a mandatory requirement under the CAA. The CAA stipulates the imposition of sanctions and the promulgation of a federal implementation plan (FIP) if EPA disapproves a required plan submission and the deficiency is not corrected within the relevant timeframe.

1. What are the Act's provisions for sanctions?

If the EPA disapproves a required SIP or component(s) of a required SIP, section 179(a) of the Act provides for the imposition of sanctions unless the deficiency is corrected within 18 months of the effective date of the final disapproval. The imposition of sanctions would be stayed if the state submits a SIP for which the EPA proposes full or conditional approval and sanctions would not apply or would be lifted once EPA approves a SIP correcting the deficiency. Additionally, if EPA finalizes a clean data determination (CDD) for the area within

[1] VOC and NO_X are often referred to as ''precursors'' to ozone formation.

[2] For additional information on ozone, please visit *www.epa.gov/groundlevelozone.*

[3] On March 27, 2008 (73 FR 16436), the EPA promulgated a revised 8-hour ozone NAAQS of 0.075 ppm, known as the 2008 ozone standard. On April 30, 2012, the EPA promulgated designations under the 2008 ozone standard (77 FR 30088) and in that action, the EPA designated 10 counties in the DFW area as a Moderate ozone nonattainment area: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise. The EPA's actions herein do not address the DFW nonattainment area for the 2008 ozone standard.

[4] For more information regarding an attainment demonstration, please see the General Preamble for the Implementation of Title I of the CAA Amendments of 1990 at 57 FR 13498, 13510 (April 16, 1992); 40 CFR 51.112; and 40 CFR 51.908.

[5] Separately on January 17, 2012, the TCEQ submitted the RFP plan, with contingency measures, for the DFW Serious nonattainment area. That submittal and EPA's action are available at *www.regulations.gov,* docket number EPA–R06–OAR–2012–0099.

the 18 months, the sanctions clocks will be tolled so long as the area remains clean. If the deficiency is not corrected within such timeframe and no CDD is finalized, the first sanction would apply 18 months after the EPA's disapproval of the SIP is effective. Under the EPA's sanctions regulations at 40 CFR 52.31, the first sanction would be an offset ratio of 2:1 for sources subject to the new source review requirements under section 173 of the Act. The second sanction would apply 24 months after the effective date of the final disapproval, unless the deficiency is corrected by that time. The second sanction is a limitation on the use of federal highway funds as provided by section 179(b)(1) of the Act. The EPA also has authority under CAA section 110(m) to sanction a broader area, but is not proposing to take such action in today's rulemaking.

2. What are the Act's provisions for a Federal Implementation Plan?

In addition to sanctions, if the EPA disapproves the required SIP revision, or a portion thereof, section 110(c)(1) of the Act provides that the EPA must promulgate a FIP no later than 2 years from the effective date of the disapproval if the deficiency has not been corrected within that time period. The deficiency would be corrected if the state submits and EPA approves a SIP correcting the deficiency.

3. What action would stop the imposition of sanctions and a FIP?

The State must address the deficiency forming the basis of the disapproval. The sanctions and FIP clocks would also stop (or any imposed sanctions would be lifted) if the area attains the 1997 ozone standard and EPA approves a redesignation substitute for the 1997 ozone NAAQS.[6] Alternatively, if EPA finalizes the Clean Data Determination (CDD) it is proposing in this action, the sanctions clock and EPA's obligation to promulgate an attainment demonstration FIP would be tolled for so long as the CDD remains in place.[7]

4. What are the ramifications regarding conformity?

In an attainment demonstration SIP the state addresses, among other issues, transportation conformity. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. Conformity is required by section 176(c) of the Act for ensuring that the effects of emissions from all on-road sources are consistent with attainment of the standard. The federal conformity rules at 40 CFR 93.120 require the implementation of a conformity freeze when the EPA disapproves an attainment demonstration SIP. A conformity freeze can affect an area's long range transportation plans and transportation improvement programs (TIPs). However, EPA's final rule addressing SIP requirements under the 2008 ozone standard and revoking the 1997 ozone standard for all purposes, including transportation conformity, became effective on April 6, 2015 (see 80 FR 12264). Therefore, no conformity freeze will occur for the DFW area upon a final disapproval (see 80 FR 12264, 12284).

III. Our Action Under the Clean Data Determination

A. Background

If EPA's determination that the area is currently attaining the eight-hour ozone standard is finalized, 40 CFR 51.1118 of EPA's ozone implementation rule provides that the requirements for the States to submit certain RFP plans, attainment demonstrations, contingency measures and any other attainment planning requirements of the CAA related to attainment of that standard shall be suspended for as long as the area continues to attain the standard. However, a CDD does not constitute a redesignation to attainment under section 107(d)(3)(E) of the Act, and if EPA determines that the area subsequently violates the standard, that suspension of the requirement to submit the attainment planning SIP provisions is lifted, and those requirements are once again due. Even though EPA has finalized revocation of the 1997 eight-hour ozone NAAQS, under 40 CFR 51.1118, an area remains subject to the obligations for a revoked NAAQS under 40 CFR 51, Appendix S to Subpart AA, Section VII(A) until either (i) the area is redesignated to attainment for the 2008 ozone NAAQS; or (ii) the EPA approves a demonstration for the area in a redesignation substitute procedure for a revoked NAAQS per the provisions of § 51.1105(b). Under this redesignation substitute procedure for a revoked NAAQS, and for this limited anti-backsliding purpose, the demonstration must show that the area has attained that revoked NAAQS due to permanent and enforceable emission reductions and that the area will maintain that revoked NAAQS for 10 years from the date of EPA's approval of this showing. We also note that the Clean Data Determination does not constitute a Determination of Attainment by an Area's Attainment Date under sections 179(c) and 181(b)(2) of the Act.

B. EPA's Analysis of the Relevant Air Quality Data

For ozone, an area is considered to be attaining the 1997 ozone NAAQS if there are no violations, as determined in accordance with 40 CFR part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. Under EPA regulations at 40 CFR part 50, the 1997 ozone standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations at an ozone monitor is less than or equal to 0.08 parts per million (ppm), (*i.e.,* 0.084 ppm, when rounding, based on the truncating conventions in 40 CFR part 50, Appendix P). This 3-year average is referred to as the design value. When the design value is less than or equal to 0.084 ppm at each monitor within the area, then the area is meeting the NAAQS. Also, the data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than or equal to 90%, and no single year has less than 75% data completeness as determined in Appendix P of 40 CFR part 50. The data must be collected and quality-assured in accordance with 40 CFR part 58, and recorded in the EPA Air Quality System (AQS). The monitors generally should have remained at the same

[6] In EPA's final rule to implement SIP requirements under the 2008 ozone standard (the SIP requirements rule or SRR), among other things, we revoked the 1997 ozone standard and finalized a redesignation substitute procedure for a revoked standard. See 80 FR 12264, March 6, 2015 and 40 CFR 51.1105(b). Under this redesignation substitute procedure for a revoked NAAQS, the demonstration must show that the area has attained that revoked NAAQS due to permanent and enforceable emission reductions and that the area will maintain that revoked NAAQS for 10 years from the date of EPA's approval of this showing.

[7] In the SRR, the EPA finalized the same approach with respect to the Clean Data Policy for the 2008 ozone NAAQS as it applied in the Phase 1 Rule for the 1997 ozone NAAQS. That is, a determination of attainment would suspend the obligation to submit attainment planning SIP elements for the 2008 ozone NAAQS. Such a determination would suspend the obligation to submit any attainment-related SIP elements not yet approved in the SIP, for so long as the area continues to attain the 2008 ozone NAAQS. In addition, the EPA replaced 40 CFR 51.918 with 40 CFR 51.1118 to consolidate in one regulation a comprehensive provision applicable to determinations of attainment for the current and former ozone NAAQS. Thus, 40 CFR 51.1118 will apply to a determination of attainment that is made with respect to any revoked or current ozone NAAQS—the 1-hour, the 1997 or the 2008 ozone NAAQS. Accordingly, a final CDD would suspend the duty to submit the Serious area SIP revisions and the sanctions and FIP clocks. However, should the area violate the 1997 ozone standard after the CDD is finalized, the EPA would rescind the CDD and the sanctions and FIP clocks would resume. See 80 FR 12264, 12296 and 12317 and 40 CFR 51.1118.

location for the duration of the monitoring period required for demonstrating attainment. For ease of communication, many reports of ozone concentrations are given in parts per billion (ppb); ppb = ppm × 1,000. Thus, 0.084 ppm equals 84 ppb.

The EPA reviewed the DFW area ozone monitoring data from ambient ozone monitoring stations for the ozone seasons 2012 through 2014. The 2012–2014 ozone season data for all the ozone monitors in the DFW area have been quality assured and certified by the EPA. The design value for 2012–2014 is 81 ppb. At the time of this writing, the preliminary ozone data for 2015 are posted on the TCEQ Web site, but are not yet posted in AQS.[8] The data for the three ozone seasons 2012–2014, and preliminary data for 2015, show that the DFW area is attaining the 1997 ozone NAAQS.

Table 1 shows the fourth-highest daily maximum 8-hour average ozone concentrations for the DFW nonattainment area monitors for the years 2012–2014. (To find the overall design value for the area for a given year, simply find the highest design value from any of the 17 monitors for that year.)

TABLE 1—THE DFW AREA FOURTH HIGH 8-HOUR OZONE AVERAGE CONCENTRATIONS AND DESIGN VALUES (PPM) FOR 2012–2014

Site name and No.	4th Highest daily max			Design value (2012–2014)
	2012	2013	2014	
Fort Worth Northwest, 48–439–1002	0.077	0.084	0.079	0.080
Keller, 48–439–2003	0.079	0.080	0.074	0.077
Frisco, 48–085–0005	0.084	0.078	0.074	0.078
Midlothian OFW, 48–139–0016	0.078	0.075	0.062	0.071
Denton Airport South, 48–121–0034	0.081	0.085	0.077	0.081
Arlington Municipal Airport, 48–439–3011	0.092	0.068	0.065	0.075
Dallas North No. 2, 48–113–0075	0.086	0.077	0.070	0.077
Rockwall Heath, 48–397–0001	0.080	0.073	0.066	0.073
Grapevine Fairway, 48–439–3009	0.086	0.083	0.073	0.080
Kaufman, 48–257–0005	0.073	0.075	0.062	0.070
Eagle Mountain Lake, 48–439–0075	0.087	0.077	0.073	0.079
Parker County, 48–367–0081	0.076	0.074	0.072	0.074
Cleburne Airport, 48–251–0003	0.082	0.077	0.071	0.076
Dallas Hinton St., 48–113–0069	0.087	0.081	0.066	0.078
Dallas Executive Airport, 48–113–0087	0.085	0.074	0.062	0.073
Pilot Point, 48–121–1032	0.078	0.084	0.075	0.079
Italy, 48–139–1044	0.071	0.072	0.060	0.067

As shown in Table 1, the 8-hour ozone design value for 2012–2014, which is based on a three-year average of the fourth-highest daily maximum average ozone concentration at the monitor recording the highest concentrations, is 81 ppb, which meets the 1997 ozone NAAQS. Data for 2015 not yet certified also indicate that the area continues to attain the 1997 ozone NAAQS. The AQS data reports for the DFW area for the three years 2012 through 2014 and a technical support document are included in the docket for this rulemaking.

IV. Proposed Action

The EPA is proposing to disapprove certain elements of the attainment demonstration SIP submitted by the TCEQ for the DFW Serious ozone nonattainment area under the 1997 8-hour ozone NAAQS. Specifically, we are proposing to disapprove the attainment demonstration, the demonstration for RACM, and the attainment demonstration MVEBs for 2012. The EPA is proposing to disapprove these SIP revisions because the area failed to attain the standard by its June 15, 2013 attainment date, and thus we have determined that the plan was insufficient to demonstrate attainment by the attainment date. The EPA is also proposing to determine that the DFW 8-hour ozone nonattainment area is currently attaining the 1997 ozone NAAQS. This determination is based upon certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS for the 2012–2014 monitoring period.

V. Statutory and Executive Order Reviews

Under the CAA, 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 act on state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law.

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

This proposed action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because this proposed SIP disapproval under section 110 and subchapter I, part D of the CAA will not in-and-of itself create any new information collection burdens but simply disapproves certain State requirements for inclusion into the SIP. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct

[8] See *http://www.tceq.texas.gov/agency/data/ozone_data.html.*

a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant impact on a substantial number of small entities. This rule does not impose any requirements or create impacts on small entities. This proposed SIP disapproval under section 110 and subchapter I, part D of the CAA will not in-and-of itself create any new requirements but simply disapproves certain State requirements for inclusion into the SIP. Accordingly, it affords no opportunity for EPA to fashion for small entities less burdensome compliance or reporting requirements or timetables or exemptions from all or part of the rule. The fact that the CAA prescribes that various consequences (*e.g.,* higher offset requirements) may or will flow from this disapproval does not mean that EPA either can or must conduct a regulatory flexibility analysis for this action. Therefore, this action will not have a significant economic impact on a substantial number of small entities.

We continue to be interested in the potential impacts of this proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector.'' EPA has determined that the proposed disapproval action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This action proposes to disapprove pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.''

This proposed action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely disapproves certain State requirements for inclusion into the SIP and does not alter the relationship or the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175, Coordination With Indian Tribal Governments

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, this proposed action 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).

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it because it is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997). This proposed SIP disapproval under section 110 and subchapter I, part D of the CAA will not in-and-of itself create any new regulations but simply disapproves certain State requirements for inclusion into the SIP.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution or Use

This proposed action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The EPA believes that this proposed action is not subject to requirements of Section 12(d) of NTTAA because application of those requirements would be inconsistent with the CAA.

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

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA lacks the discretionary authority to address environmental justice in this proposed action. In reviewing SIP submissions, EPA's role is to approve or

disapprove state choices, based on the criteria of the CAA. Accordingly, this action merely proposes to disapprove certain State requirements for inclusion into the SIP under section 110 and subchapter I, part D of the CAA and will not in-and-of itself create any new requirements. Accordingly, it does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898.

K. Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

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.

Dated: April 17, 2015.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2015–09901 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 45

[Docket No. USCG–2013–0954]

Special Load Line Exemption for Lake Michigan/Muskegon Route: Petition for Rulemaking

AGENCY: Coast Guard, DHS.

ACTION: Notice of decision.

SUMMARY: On May 27, 2014, the Coast Guard published a Notice of Availability and Request for Public Comment regarding a petition for a rulemaking action. The petition requested that the Coast Guard establish a load line-exempted route on Lake Michigan, along the eastern coast to Muskegon, MI. Upon review of the comments as well as analysis of safety considerations and other factors described in the discussion section, the Coast Guard has decided not to proceed with the requested rulemaking. The public comments, and the Coast Guard's reasoning for its decision, are discussed in this notice.

DATES: The petition for rulemaking published on May 27, 2014 (79 FR 30061) is denied.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Mr. Thomas Jordan, Naval Architecture Division (CG–ENG–2), U.S. Coast Guard Headquarters, at telephone 202–372–1370, or by email at *thomas.d.jordan@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

All **Federal Register** notices, public comments, and other documents cited in this notice may be viewed in the on-line docket at *www.regulations.gov* (enter docket number ''USCG–2014–0954'' in the search box).

SUPPLEMENTARY INFORMATION:

Regulatory History and Background:

The purpose of a load line (LL) assignment is to ensure that a vessel is seaworthy for operation on exposed coastal and offshore waters, including the Great Lakes. In general, LL assignment requires that vessels are robustly constructed, fitted with watertight and weathertight closures, and are inspected annually to ensure that they are being maintained in a seaworthy condition. (A more-detailed discussion of LL assignment is given in our previous Notice of Availability, 79 FR 30061 on May 27, 2014.)

Because river barges are not typically constructed to the required hull strength standards for load line assignment, nor subject to the same periodic inspections, they are not normally allowed to operate on the Great Lakes. However, certain river barges are allowed on carefully-evaluated routes, under restricted conditions as follows. There are currently three such routes on Lake Michigan:

Burns Harbor route: In 1985, a LL-exempted route was established along the southern shore of Lake Michigan to allow river barges to operate under fair weather conditions between Calumet (Chicago), IL, and Burns Harbor, IN, a distance of 27 nautical miles (NM), with several ports of refuge along the way (the longest distance between them is just 11 NM). The tows must remain within 5 NM of shore, and the barges are prohibited from carrying liquid or hazardous cargoes, and must have a minimum freeboard of 24 inches.

Milwaukee route: In 1992, a special LL regime was established along the western shore of Lake Michigan, between Calumet and Milwaukee, WI, a distance of 92 NM (the longest distance between ports of refuge is 33 NM). This special LL regime revised the normal robust construction requirements for a Great Lakes LL, in conjunction with similar cargo restrictions, weather limitations, and freeboard assignment as for the Burns Harbor route. Barges more than 10 years old are required to have an initial dry-dock inspection to verify the material condition of the hull, but a newer barge could obtain the special LL provided it passed an initial afloat inspection by the American Bureau of Shipping (ABS). All barges were subject to annual ABS inspections to verify that they were being maintained in a seaworthy condition. Tows are limited to three barges, and the towing vessel must be least 1,000 HP.

Milwaukee route risk assessment study: However, the towing industry still considered the cost of the special LL assignment to be too prohibitive for establishing river barge service to Milwaukee. Accordingly, in 2000, the Port of Milwaukee organized a risk assessment (RA) working group that included port officials, towing & barge companies, and terminal operators (the Risk Assessment report can be viewed on-line in the docket). The RA group reviewed meteorological information and evaluated the viability of the ports of refuge along the route, and concluded that restricting the age of eligible rivers barges to 10 years, in conjuction with self-inspection and self-certication by barge owners/operators, provided the same level of seaworthiness assurance as LL assignment by ABS.

The RA meetings were attended by USCG representatives, and the recommendations were reviewed by the Ninth Coast Guard District, which endorsed them. The Milwaukee route exemption went into effect in 2002.

Muskegon route: Meanwhile, in 1996, the special LL regime for the Milwaukee route was extended along the eastern shore of Lake Michigan to Muskegon, a distance of 119 NM beyond Burns Harbor. River barges can still operate as far as Burns Harbor without any LL, but must obtain the special LL to proceed beyond that point to Muskegon. Recognizing the longer distance and more severe weather conditions on the eastern side of Lake Michigan, there were some additional requirements pertaining to the towing vessel.

Because the Muskegon route was not evaluated as part of the Milwaukee risk assessment study, it was not included in the exemption.

Petition for LL exemption on the Muskegon route: In October 2013, the Coast Guard received two letters requesting that we establish a load line exemption for river barges on the Muskegon route. The basis for the request was that the LL requirements (route restrictions and load line inspection requirements) were preventing Michigan from transporting

agricultural products on river barges via the Mississippi-Illinois River system.

In response to the petition request, the Coast Guard opened a public docket USCG–2014–0954 and published a Notice of Availability and Request for Public Comment (79 FR 30061, May 27, 2014) with a 90-day comment period. The comment period closed on August 25, 2014.

Discussion of Comments

In response to the notice, 92 comments were posted in the docket, submitted by 42 individuals, 16 commercial companies (mostly agricultural-associated), several trade associations, resolutions signed by various Michigan municipal organizations as well as state and Congressional representatives. All comments can be viewed on-line in the docket.

To summarize, the comments fall into three categories:

Supportive: 59 comments supported the petition on general principles. They commented on the potential economic benefits, such as reduced shipping costs for northbound cargoes (fertilizer was mentioned) and southbound cargoes (grain), as well as employment/job creation. However, none of these comments included any specific details or estimates with respect to shipment costs, cargo volumes, employment levels, etc.

One supportive commenter reported that a local steel fabricator could not compete on a contract for steel tanks that could have been transported by a non-LL river barge from Muskegon for downriver delivery to the Gulf of Mexico. Because of the extra cost of using a LL barge to get the steel tanks to Calumet and then transhipping it onto a river barge, the company could not compete.

Another supportive comment mentioned the impending shut-down of the B. C. Cobb power plant in Muskegon, which burns 640,000 tons of coal per year, delivered by Lake freighters. Without the annual tonnage of coal delivery, the port would no longer qualify for dredging support by the Army Corps of Engineers. The commenter viewed the route exemption as a possible means of encouraging new cargo movements through the port (such as fertilizer and grain), and thereby maintain its dredging eligibility.

Opposed: 23 comments opposed the petition, typically over concerns about catastrophic environmental impact if a cargo were lost (especially a load of fertilizer). Several mentioned the Lake Erie algae bloom in the summer of 2014, which shut down the Toledo municipal water supply for several days.

Other opposing comments expressed concern that the route would cause the spread of Asian carp and/or other invasive species from the Mississippi River system.

From a vessel safety perspective, several opposing commenters stated that the eastern side of Lake Michigan has the most unpredictable weather and is the most-exposed. One commenter pointed out that the voyage distance to Muskegon was approximately 114 miles, which would take 16 to 23 hours, more than enough time (in their opinion) for the weather to change unexpectedly. Another commenter (an experienced Lake tug & barge operator) stated that attempting to get a string of three barges into any of the ports-of-refuge under adverse weather conditions would be very difficult and risky; they felt that the tug master would be more likely to take a chance and try to ride out the weather on the open Lake rather than risk entry into a refuge, thus exposing river barges to storm conditions and increasing the likelihood of a casualty.

Conditionally supportive, or concerned: 10 commenters either expressed conditional support for the petition provided that the environmental risks were addressed, or simply expressed their concerns about possible adverse effects (without clearly supporting or opposing the petition).

Discussion of Decision

Upon review of the petition itself and the docket comments, the Coast Guard has decided to deny the rulemaking petition. The Coast Guard will not amend the regulations to provide for the requested route exemption, for reasons discussed below.

The Coast Guard recognizes that there are similarities between the two Lake Michigan routes, which invites comparison between the LL-exempted Milwaukee route and the LL-required Muskegon route. For example, barges on both routes are built to the same structural (river-service) standards and subject to the same level of weather restrictions. However, there are some significant differences between the routes that affect operational safety, as further explained below. The public comments submitted to the docket did not provide sufficient information that alleviates the operational safety concerns found on this route.

Weather/Safety considerations: Although several comments spoke of ''improved forecasting technology'' over the years since the earlier rulemakings, no specific details were provided. The evaluations conducted during consideration of the earlier exempted or conditional load line routes noted that the prevailing weather patterns on the eastern side of Lake Michigan are generally more severe than the western side. The survey/certification requirements in the existing special LL regime provide an additional, necessary safety net to account for risks associated with severe weather. An exemption from the special LL regime could be detrimental to safety.

Ports-of-refuge: the Muskegon route extends approximately 119 NM beyond Burns Harbor. There are three large harbors along the route (St. Joseph, Holland, and Grand Haven), and two smaller harbors that might be suitable ports-of-refuge. However, the current viability of these harbors has not been verified (Army Corps of Engineering fact sheets for these ports mention that several of them have experienced channel shoaling due to winter storms and Hurricane Sandy). Furthermore, the intermediate distance between Burns Harbor and St. Joseph is 41 NM, and between St. Joseph and Holland is 47 NM. These distances are much longer than the longest intermediate distance on the Milwaukee route (33 NM). The availability of and distance to a port of safe refuge is a critical element in the evaluation of load line conditional or exempted routes. The ability to reach a port of safe refuge is important if unexpected weather or damage causes the need to seek safety from the open Lake.

Economic benefits: Although several comments suggested that further reductions/relaxation of certain loadline requirements could result in economic, operational benefits. These economic benefits have not been quantified and may be offset by the costs associated with other safety requirements necessary to protect river barges operating along this exposed route, for example, costs associated with complying with mandatory maximum age-restrictions on the barges, similar to the Milwaukee route. As such, the Coast Guard is unable to verify the claims of economic benefits. The existing special LL regime on the Muskegon route is a less restrictive LL regime than that required for an unrestricted Great Lakes LL. River barges are already permitted to operate on this route, under certain controlled conditions.

Risk assessment: Unlike the Milwaukee route, no risk assessment has been performed for the Muskegon route. In the absence of such a risk assessment, and in consideration of the more-volatile weather patterns and the longer transit times between ports of

refuge, the Coast Guard believes that the initial and annual LL surveys, undertaken per the special loadline requirements for this route, provide a necessary margin of seaworthiness assurance.

For the reasons above, the Coast Guard denies the petition and will not undertake the requested rulemaking.

This notice is issued under authority of 5 U.S.C. 553(e), 555(e) and 46 U.S.C. 5108.

Dated: April 21, 2015.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2015–09790 Filed 4–27–15; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 80, No. 81
Tuesday, April 28, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of May 15 President's Global Development Council Meeting

AGENCY: United States Agency for International Development.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the President's Global Development Council (GDC). The purpose of the meeting is to solicit public input on key global development issues.

Date: Friday, May 15, 2015.

Time: 10:00 a.m.–12:00 p.m.

Location: U.S. Agency for International Development, The Ronald Reagan Building—Pavilion Room, 1300 Pennsylvania Ave. NW., Washington, DC 20004. Please use at the entrance on Pennsylvania Avenue.

Agenda

I. Opening Remarks
II. Update on the work of the GDC
III. Group Discussion and Q&A
IV. Overview of GDC Next Steps
V. Feedback and Input
VI. Closing Comments

Stakeholders

The meeting is free and open to the public. Persons wishing to attend should RSVP to *Interest_GDC@who.eop.gov.* Please note that capacity is limited. Additional information on web streaming will be forthcoming on *www.whitehouse.gov.*

FOR FURTHER INFORMATION CONTACT: Jayne Thomisee, 202–712–5506.

Date: April 21, 2015.

Jayne Thomisee,

Executive Director & Policy Advisor.

[FR Doc. 2015–09803 Filed 4–27–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 22, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by May 28, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Forest Products Removal Permits and Contracts.

OMB Control Number: 0596–0085.

Summary of Collection: Individuals and businesses that wish to remove forest products from national forest lands must request a permit. 16 U.S.C. 551 requires the promulgation of regulations to regulate forest use and prevent destruction of the forests. Regulations at 36 CFR 223.1 and 223.2 govern the sale of forest products such as Christmas trees, pinecones, moss, and mushrooms. Regulations at 36 CFR 223.5 through 223.11 authorize the free use or sale of timber or forest products. Upon receiving a permit, the permittee must comply with the terms of the permit at 36 CFR 216.6 that designate the forest products that can be harvested and under what conditions, such as limiting harvest to a designated area or permitting harvest of only specifically designated material.

Both the Forest Service (FS) and Department of the Interior, Bureau of Land Management (BLM) will use the Forest Products Removal Permit and Cash Receipt to collect information.

With the renewal submission of this collection, the title will be changed from ''Forest Products Free Use Permit, Removal Permit and Cash Receipt, and Sale Permit and Cash Receipt'' to ''Forest Products Removal Permits and Contracts.''

Need and Use of the Information: Using forms FS–2400–1/BLM–5450–24, FS–2400–4ANF and FS–2400–8, FS and BLM will collect the name, vehicle information, address and tax identification number from persons applying for permits. The information will be used to keep a record of persons buying forest products and to determine if the applicant meets the criteria under which free use or sale of forest products is authorized by the regulations and to ensure that the permittee has not received product values in excess of the amount allowed by regulation in any one fiscal year and complies with the regulations and terms of the permit. This information is also needed to allow FS compliance personnel to identify permittees in the field. Without the forest product removal program, achieving multiple use management programs such as reducing fire hazard and improving forest health on the National Forest would be impaired.

Description of Respondents: Individuals or households; Business or other for-profit.

Number of Respondents: 212,068.

Frequency of Responses: Reporting: On occasion; Recordkeeping.

Total Burden Hours: 37,107.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–09774 Filed 4–27–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0012]

Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Pitahaya From Israel Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with importation of fresh pitahaya fruit from Israel into the continental United States. Based on the analysis, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh pitahaya from Israel. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before June 29, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0012.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0012, 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-2015-0012* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Schading, Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2045.

SUPPLEMENTARY INFORMATION: Under the regulations in ''Subpart–Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–71, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of certain fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section.

APHIS received a request from the national plant protection organization (NPPO) of Israel to allow the importation of fresh pitahaya fruit into the continental United States. As part of our evaluation of Israel's request, we have prepared a pest risk assessment (PRA) to identify pests of quarantine significance that could follow the pathway of importation into the continental United States from Israel. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the pitahaya to mitigate the pest risk. We have concluded that fresh pitahaya fruit can be safely imported from Israel to the continental United States using one or more of the five designated phytosanitary measures listed in § 319.56–4(b). These measures are:

- The pitahaya must be imported as commercial consignments only;
- Each consignment of pitahaya must be accompanied by a phytosanitary certificate issued by the NPPO of Israel; and
- Each consignment of pitahaya is subject to inspection upon arrival at the port of entry to the United States.

Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our PRA and RMD for public review and comment. The documents may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the PRA and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh pitahaya fruit from Israel in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will authorize the importation of fresh pitahaya fruit from Israel into the continental United States subject to the requirements specified in the RMD.

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

Done in Washington, DC, this 22nd day of April 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–09834 Filed 4–27–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0047]

U.S. Department of Agriculture Stakeholder Workshop on Coexistence

ACTION: Notice; reopening of comment period.

SUMMARY: We are reopening the comment period for issues and proposals discussed during the workshop on agricultural coexistence that was held on March 12–13, 2015. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the notice published on February 3, 2015 (80 FR 5729) and extended in a notice published on March 30, 2015 (80 FR 16621) is reopened. We will consider all comments that we receive on or before May 11, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0047.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0047, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Any comments we receive may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0047* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Tadle, Program Analyst, Planning, Evaluation, and Decision Support, PPD, APHIS, 4700 River Road Unit 120, Riverdale, MD 20737; (301) 851–3140; *Michael.A.Tadle@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: On February 3, 2015, we published in the **Federal Register** (80 FR 5729–5731, Docket No. APHIS–2013–0047) a notice [1] to announce that the U.S. Department of Agriculture was holding a workshop on agricultural coexistence, the objective of which was to advance an understanding of agricultural coexistence and discuss how to make coexistence achievable for all stakeholders. The 2-day workshop, which was held on March 12–13, 2015, also provided an opportunity to learn from stakeholders representing a wide range of interests with respect to agricultural coexistence.

In that notice, we stated that public comments on issues and proposals discussed during the workshop would be accepted from March 13, 2015, through March 27, 2015. On March 30, 2015, we published another notice in the **Federal Register** (80 FR 16621) to extend the comment period on Docket No. APHIS–2013–0047 for an additional 14 days to April 10, 2015.

We are reopening the comment period on Docket No. APHIS–2013–0047 from the date of this notice through May 11, 2015. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments that were received between April 11, 2015, and the date of this notice.

Done in Washington, DC, this 22nd day of April 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–09845 Filed 4–27–15; 8:45 a.m.]

BILLING CODE 3410–34–P

[1] To view the workshop notice and comments, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0047.*

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: May 6, 2015, 2014, 9:30 a.m.–1:00 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 2175 K St. NW., 4th Floor Conference Room, Washington, DC 20037.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on May 6, 2015, starting a 9:30 a.m. at the CSB's headquarters located at 2175 K St. NW., 4th Floor Conference Room, Washington, DC 20037. At the public meeting, the Board will discuss and may vote on motions related to the following:

1. Proposed amendments to 40 CFR 1600 to provide for regular Sunshine Act meetings and to address timely voting on calendared notation item votes;

2. Proposed schedule for regular CSB public business meetings;

3. Notation Item 2015–07 relating to Board governance, the issuance of two Board Orders on Scoping and Investigations, respectively, and the administrative closure of three investigations (calendared on March 10, 2015); and the

4. 2015 CSB Action Plan;

Additionally, the Board will hear status reports on the development of an overall CSB investigations plan and the process for updating the CSB's investigation protocol.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the contact person for further information, at least three business days prior to the meeting.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

This public meeting will be principally focused on the business-related issues described in the agenda, above.

Public Comment

Members of the public are invited to make brief statements to the Board concerning the agenda items outlined in this **Federal Register** notice. The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to five minutes or less, but commenters may submit written statements for the record.

Contact Person for Further Information

Hillary J. Cohen, Communications Manager, *hillary.cohen@csb.gov* or (202) 446–8094. General information about the CSB can be found on the agency Web site at: *www.csb.gov.*

Dated: April 23, 2015.

Mark Griffon,

Board Member.

[FR Doc. 2015–09913 Filed 4–24–15; 11:15 am]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Review and Vote on Its Hate Crime Report

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Monday, May 18, 2015, at 2:00 p.m. CST for the purpose of discussing and voting on a Committee report regarding hate crimes and discrimination against religious institutions in Illinois. The committee previously gathered testimony on the topic August 21, 2014.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–427–9411, conference ID: 6379535. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-

line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited and welcomed to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office by June 18, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=246* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Barbara Abrajano, Chair
Discussion and Vote on Hate Crimes Report
Illinois Advisory Committee
Administrative Matters
David Mussatt, DFO
Open Comment
Adjournment

DATES: The meeting will be held on Monday, May 18, 2015, at 2:00 p.m. CST.

Public Call Information

Dial: 888–427–9411.
Conference ID: 6379535.

FOR FURTHER INFORMATION CONTACT: David Mussat, DFO, at 312–353–8311 or *dmussatt@usccr.gov.*

Dated: April 23, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–09826 Filed 4–27–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee to Discuss and Vote on its School Equity Report and Plan Future Project

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Arizona Advisory Committee (Committee) to the Commission will be held on Tuesday, May 19, 2015, for the purpose of discussing and voting upon the committee report regarding school equity. The Committee will also discuss a plan for a potential project on police practices. The meeting will be held at Chicanos por la Causa, 1242 E. Washington Street, Suite 200, Phoenix, AZ 85034. It is scheduled to begin at 3:00 p.m. and adjourn at approximately 4:30 p.m.

Members of the public are entitled to make comments in the open period at the end of the meeting. Members of the public may also submit written comments. The comments must be received in the Western Regional Office of the Commission by June 19, 2015. The address is Western Regional Office, U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Persons wishing to email their comments may do so by sending them to Angelica Trevino, Civil Rights Analyst, Western Regional Office, at *atrevino@usccr.gov.* Persons who desire additional information should contact the Western Regional Office, at (213) 894–3437, (or for hearing impaired TDD 913–551–1414), or by email to *atrevino@usccr.gov.* Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=235* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Western Regional Office at the above email or street address.

Agenda:

Introductions
Discussion and Vote on School Equity Report
Discussion of Future Project on Police Practices
Open Comment
Adjourment

DATES: Tuesday, May 19, 2015 from 3 p.m. to 4:30 p.m. PST

ADDRESSES: Chicanos por la Causa, 1242 E. Washington Street, Suite 200, Phoenix, AZ 85034.

FOR FURTHER INFORMATION CONTACT: Peter Minarik, DFO, at (213) 894–3437 or *pminarik@usccr.gov.*

Dated: April 23, 2015.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2015–09827 Filed 4–27–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Mississippi Advisory Committee for a Meeting To Hear Testimony on Civil Rights Concerns Relating to Distribution of Federal Child Care Subsidies in Mississippi

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting on Wednesday, May 13, 2015, at 1:30 p.m. CST for the purpose of hearing testimony on civil rights concerns relating to potential disparities in the distribution of federal child care subsidies in Mississippi on the basis of race or color. The committee previously gathered testimony on the topic April 29, 2015. The testimony heard during this meeting will be upon the previous information obtained.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–572–7033, conference ID: 9576533. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers

into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited and welcomed to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office by June 13, 2015. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=257* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

AGENDA:

Welcome and Introductions
1:30 p.m. to 1:35 p.m., Susan Glisson, Chair
Panel Presentations on Childcare Subsidies in MS
1:35 p.m. to 2:30 p.m.
Question and Answer Session with MS Advisory Committee
2:30 p.m. to 2:50 p.m.
Open Comment
2:50 p.m. to 3:00 p.m.
Adjournment
3:00 p.m.

DATES: The meeting will be held on Wednesday, May 13, 2015, at 1:30 p.m. CST.

Public Call Information: Dial: 888–572–7033, Conference ID: 9576533.

FOR FURTHER INFORMATION CONTACT: David Mussat, DFO, at 312–353–8311 or *dmussatt@usccr.gov*

Dated: April 23, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–09825 Filed 4–27–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Industry and Security.

Title: Request for the Appointment of a Technical Advisory Committee.

Form Number(s): N/A.

OMB Control Number: 0694–0100.

Type of Request: Regular.

Burden Hours: 5 hours.

Number of Respondents: 1 respondent.

Average Hours per Response: 5 hours per response.

Needs and Uses: This collection of information is required by the Export Administration Regulations and the Federal Advisory Committee Act. The Technical Advisory Committees (TACs) were established to advise and assist the U.S. Government on export control matters such as proposed revisions to export control lists, licensing procedures, assessments of the foreign availability of controlled products, and export control regulations. Under this collection, interested parties may submit a request to BIS to establish a new TAC. The Bureau of Industry and Security provides administrative support for these Committees.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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 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 23, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09797 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–33–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: Bureau of Industry and Security.

Title: Request for Investigation Under Section 232 of the Trade Expansion Act.

Form Number(s): N/A.

OMB Control Number: 0694–0120.

Type of Request: Regular.

Burden Hours: 3,000 hours.

Number of Respondents: 400 respondents.

Average Hours per Response: 7.5 hours per response.

Needs and Uses: Upon request, BIS will initiate an investigation to determine the effects of imports of specific commodities on the national security, and will make the findings known to the President for possible adjustments to imports through tariffs. The findings are made publicly available and are reported to Congress. The purpose of this collection is to account for the public burden associated with the surveys distributed to determine the impact on national security.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain benefits.

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 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 23, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09795 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–33–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: American Community Survey.

OMB Control Number: 0607–XXXX.

Form Number(s): ACS–1, ACS–1(SP), ACS–1(PR), ACS–1(PR)SP, ACS–1(GQ), ACS–1(PR)(GQ), GQFQ, ACS CATI (HU), ACS CAPI (HU), ACS RI (HU), and AGQ QI, AGQ RI.

Type of Request: Regular Submission.

Number of Respondents: 3,760,000.

Average Hours Per Response: 40 minutes for the average household questionnaire.

Burden Hours: The estimate is an annual average of 2,455,868 burden hours.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) for revisions to the American Community Survey (ACS). The content of the proposed 2016 ACS questionnaire and data collection instruments for both Housing Unit and Group Quarters operations reflect changes to content and instructions that were proposed as a result of the 2014 ACS Content Review.

The American Community Survey (ACS) is one of the Department of Commerce's most valuable data products, used extensively by businesses, non-governmental organizations (NGOs), local governments, and many federal agencies. In conducting this survey, the Census Bureau's top priority is respecting the time and privacy of the people providing information while preserving its value to the public. The 2016 survey content changes are the initial step in a multi-faceted approach to reducing respondent burden. The Census Bureau is currently carrying out this program of research, which includes several components as discussed briefly below.

One of the areas with strong potential to reduce respondent burden is to reuse information already supplied to the federal government in lieu of directly collecting it again through particular questions on the ACS. The Census Bureau is conducting groundbreaking work aimed at understanding the extent to which existing government data can reduce redundancy and improve efficiency. The tests we are conducting in the next two years will tell us whether existing government records can provide substitute data for households that have not responded to the ACS.

In addition, we continue to look into the possibility of asking questions less often beginning initial efforts on the martial history series of questions. For example, asking a question every other year, every third year, or asking a question of a subset of the respondents each year. We also want to examine ways we can better phrase our questions to reduce respondent concern, especially for those who may be sensitive to providing information.

The outcome of these future steps will be a more efficient survey that minimizes respondent burden while continuing to provide quality data products for the nation. We expect to make great progress during fiscal 2015 on this front, and will be reporting our progress to the Secretary of Commerce at the end of the fiscal year.

Since the founding of the nation, the U.S. Census has mediated between the demands of a growing country for information about its economy and people, and the people's privacy and respondent burden. Beginning with the 1810 Census, Congress added questions to support a range of public concerns and uses, and over the course of a century questions were added about agriculture, industry, and commerce, as well as occupation, ancestry, marital status, disabilities, and other topics. In 1940, the U.S. Census Bureau introduced the long form and since then only the more detailed questions were asked of a sample of the public.

The ACS, launched in 2005, is the current embodiment of the long form of the census, and is asked each year of a sample of the U.S. population in order to provide current data needed more often than once every ten years. In December of 2010, five years after its launch, the ACS program accomplished its primary objective with the release of its first set of estimates for every area of the United States. The Census Bureau concluded it was an appropriate time to conduct a comprehensive assessment of the ACS program. This program assessment focused on strengthening programmatic, technical, and methodological aspects of the survey to assure that the Census Bureau conducts the ACS efficiently and effectively.

In August 2012, the OMB and the Census Bureau chartered the Interagency Council on Statistical Policy (ICSP) Subcommittee for the ACS to ''provide advice to the Director of the Census Bureau and the Chief Statistician at OMB on how the ACS can best fulfill its role in the portfolio of Federal household surveys and provide the most useful information with the least amount of burden.'' The Subcommittee charter also states that the Subcommittee would be expected to ''conduct regular, periodic reviews of the ACS content . . . designed to ensure that there is clear and specific authority and justification for each question to be on the ACS, the ACS is the appropriate vehicle for collecting the information, respondent burden is being minimized, and the quality of the data from ACS is appropriate for its intended use.''

The formation of the ICSP Subcommittee on the ACS and the aforementioned assessment of the ACS program also provided an opportunity to examine and confirm the value of each question on the ACS, which resulted in the 2014 ACS Content Review. This review, which was an initial step in a multi-faceted approach of a much larger content review process, included examination of all 72 questions contained on the 2014 ACS questionnaire, including 24 housing-related questions and 48 person-related questions.

The Census Bureau proposed the two analysis factors—benefit as defined by the level of usefulness and cost as defined by the level of respondent burden or difficulty in obtaining the data, which was accepted by the ICSP Subcommittee. Based on a methodology pre-defined by the Census Bureau with the input and concurrence of the ICSP Subcommittee on the ACS, each question received a total number of points between 0 and 100 based on its benefits, and 0 and 100 points based on its costs. These points were then used as the basis for creating four categories: High Benefit and Low Cost; High Benefit and High Cost; Low Benefit and Low Cost; or Low Benefit and High Cost. For this analysis, any question that was designated as either Low Benefit and Low Cost or Low Benefit and High Cost and was NOT designated as Mandatory (*i.e.,* statutory) by the Department of Commerce Office of General Counsel (OGC) or NOT Required (*i.e.,* regulatory) with a sub-state use, was identified as a potential candidate for removal. The Department of Commerce OGC worked with its counterparts across the federal government to determine mandatory, required, or programmatic status, as defined below:

- *Mandatory*—a federal law explicitly calls for use of decennial census or ACS data on that question
- *Required*—a federal law (or implementing regulation) explicitly

requires the use of data and the decennial census or the ACS is the historical source; or the data are needed for case law requirements imposed by the U.S. federal court system
- *Programmatic*—the data are needed for program planning, implementation, or evaluation and there is no explicit mandate or requirement.

Based on the analysis, the following questions were initially proposed for removal:

- *Housing Question No. 6—Business/ Medical Office on Property*
- *Person Question No. 12—Undergraduate Field of Degree*
- *Person Question No. 21—(In the Past 12 mos, did this person) Get Married, Widowed, Divorced*
- Person Question No. 22—Times Married
- Person Question No. 23—Year Last Married

For reports that provide a full description of the overall 2014 ACS Content Review methods and results, see ''Final Report—American Community Survey FY14 Content Review Results'' (Attachment V); additional reports about the 2014 ACS Content Review are also available at *http://www.census.gov/acs/www/about_the_survey/methods_and_results_report/.*

Regarding the business/medical office on property question, the Census Bureau received 41 comments from researchers, and individuals. Most of these comments came from researchers who felt that the Census Bureau should keep all of the proposed questions in order to keep the survey content consistent over time, or felt that modifications to the question could potentially make it more useful. Housing Question No. 6—Business/ Medical Office on Property is currently not published by the Census Bureau in any data tables. The only known use of the question is to produce a variable for the Public Use Microdata Sample (PUMS), a recode for the Specified Owner (SVAL) variable that allows users to compare other datasets. The Content Review did not reveal any uses by federal agencies, and the comments to the **Federal Register** notice did not reveal any non-federal uses. Additionally, there were no uses uncovered in meetings with stakeholders, data user feedback forms, or other methods employed to understand the uses of ACS data. Lastly, independent research conducted on behalf of the Census Bureau did not uncover any further uses. Though the question has a low cost, it has no benefit to federal agencies, the federal statistical system, or the nation. The Census Bureau plans to remove this question, beginning with the 2016 ACS content.

Regarding the field of degree question, the Census Bureau received 625 comments from researchers, professors and administrators at many universities, professional associations that represent science, technology, engineering and mathematics (STEM) careers and industries, members of Congress, the National Science Foundation, and many individuals interested in retaining this question. A number of commenters (92) cited the importance of these estimates for research that analyzes the effect of field of degree choice on economic outcomes, including earnings, education, occupation, industry, and employment. University administrators (37) commented that this information allows for analysis of postsecondary outcomes, and allows them to benchmark their graduates' relative success in different fields as well as to plan degree offerings. While some commenters used the estimates to understand fields such as humanities or philosophy (56), the majority of these comments (125) addressed the value of knowing about the outcomes of people who pursued degrees in science, technology, engineering and mathematics. These commenters felt that knowing more about the people currently earning STEM degrees and the people currently working in STEM fields would enable universities, advocacy groups, and policy makers to encourage more people to pursue STEM careers, and to encourage diversity within STEM careers.

The initial analysis of Person Question No. 12—Undergraduate Field of Degree did not uncover any evidence that the question was Mandatory or Required. However, comments to the **Federal Register** notice uncovered the existence of a relationship between the Census Bureau and the National Science Foundation, dating back to 1960. Over the course of this established relationship, long-form decennial census data was used as a sampling frame for surveys that provided important information about scientists and engineers. These comments demonstrated that the Field of Degree question on the ACS continues this historical use of decennial long-form and ACS data for this purpose, and makes this process more efficient. Many commenters (58) also cited the necessity of the National Survey of College Graduates (NSCG), and recommended retaining the question because it is needed as a sampling frame for the NSCG. Though commenters theorized that the NSCG might still be able to produce STEM estimates without the ACS, a number of commenters (16) thought that doing so would be very expensive, costing as much as $17 million more (1).

Additionally, many comments also indicated uses of this question to understand the economic outcomes of college graduates at local geographic levels, especially those with STEM degrees. These commenters included professional, academic, congressional, and policy-making stakeholders who expressed concerns that the absence of statistical information about STEM degrees would harm the ability to understand characteristics of small populations attaining STEM degrees. Given the importance of this small population group to the economy, the federal statistical system and the nation, bolstered by the new knowledge of historical precedent brought to light by commenters to the **Federal Register** notice, the Census Bureau therefore plans to retain this question on the 2016 ACS.

Regarding the marital history questions, the Census Bureau received 1,361 comments from researchers and professors, professional associations that represent marriage and family therapists, the Social Security Administration (SSA), and many individuals interested in retaining these questions. SSA commented that it uses the marital history questions to estimate future populations by marital status as part of the Board of Trustees annual report on the actuarial status (including future income and disbursements) of the Old-Age and Survivors Insurance (OASI) and Disability Insurance (DI) Trust Funds. The Department of Health and Human Services (HHS) also uses these questions to distinguish households in which a grandparent has primary responsibility for a grandchild or grandchildren, as well as to provide family formation and stability measures for the Temporary Assistance for Needy Families (TANF) program.

The focus of the proposed elimination is on the marital history questions only with no change to collection of marital status. Over 400 additional comments to the **Federal Register** notice cited concerns that the proposed elimination of the marital history questions was an indication of whether the government views information about marriage as somehow less valuable than other ACS question topics that were not proposed for removal. While the Census Bureau had always planned to continue collecting information about the ''marital status'' for each person in a

household (Person Question No. 20) and their relationships to each other (Person Question No. 2), the Census Bureau remains sensitive to these criticisms

More than 100 supporters of retaining the marital history questions mentioned their utility for research into marital status changes over time and they correctly noted that there is currently no other national source of the marital history information. As a result, many commenters felt they would not be able to compare marriage characteristics and patterns with other nations in the same depth that is possible today. Similarly, without these questions, the commenters felt that the analysis of changes in marriage events (especially those due to changing societal values and pressures or policy changes) would be less robust. In particular, comments focused on 6 research areas that would be more difficult to analyze without the marital history questions:

- Family formation and stability (23)
- Patterns/trends of marriage and divorce (168)
- Marital effects on earnings, education and employment (45)
- Marital effects on child wellbeing (6)
- Same-sex marriages, civil unions and partnerships (70)
- New government policy effects on marriage (9)

Because the initial analysis of Person Question Nos. 21–23 on marital history did not uncover any evidence that data from these questions were ''Required'' for federal use at sub-state geographies, those questions received a lower benefit score than many other ACS questions. However, in deference to the very large number (1,367) of comments received on the Census Bureau proposal to eliminate those questions, the Census Bureau plans to retain those questions on the 2016 ACS.

The Census Bureau takes very seriously respondent concerns and recognizes that the Content Review and the resulting, proposed question changes discussed above are only initial steps to addressing them. The Census Bureau has implemented an extensive action plan on addressing respondent burden and concerns. The work completed, and the comments received, on the 2014 Content Review provide a foundation for ongoing and future efforts to reduce burden and concerns. In addition to the immediate content changes (proposed above), the Census Bureau is also currently testing the language on the survey materials that may cause concern such as reminding people that their responses are required by law. In order to be responsive to these concerns about the prominence of the mandatory message on the envelopes, we are conducting research with a subset of ACS respondents in May 2015. Over the summer, we will work with external methodological experts to test other revisions of the ACS mail materials to check respondent perceptions of the softened references to the mandatory nature of participation in the ACS. The preliminary results of those tests will be available in the fall, and the Census Bureau will make changes to the 2016 ACS mail materials based on those results.

Concurrently we also are identifying additional questions that we may only need to ask intermittently, rather than each month or year. The current ACS sample design asks all of the survey questions from all selected households in order to produce estimates each year for small geographies and small populations. However, during the Content Review we learned about over 300 data needs that federal agencies require to implement their missions. We see several potential opportunities to either include some questions periodically, or ask a smaller subset of ACS respondents in cases where those agencies do not need certain data annually. The Census Bureau plans to engage the federal agencies and external experts on this topic during 2015. In addition, we need to assess the operational and statistical issues associated with alternate designs. The alternate designs will result in a reduction in the number of questions asked of individual households.

We are also conducting research on substituting the direct collection of information with the use of information already provided to the government. It is possible that the Census Bureau could use administrative records from federal and commercial sources in lieu of asking particular questions on the ACS.

Lastly, we are examining our approaches to field collection to reduce the number of in-person contact attempts while preserving data quality. For example, based on research conducted in 2012, we implemented changes in 2013 which led to an estimated reduction of approximately 1.2 million call attempts per year, while sustaining the 97 percent response rate for the survey overall. For the person visit operation, we are researching a reduction in the number of contact attempts. We plan to field test this change in August 2015. If successful we would implement nationwide in spring 2016.

We will continue to look for other opportunities to reduce respondent burden while maintaining survey quality. Taken together, these measures will make a significant impact on reducing respondent burden in the ACS.

Affected Public: Individuals or households.

Frequency: Response to the ACS is on a one-time basis.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the 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 22, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09741 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Industry and Security.

Title: Miscellaneous Short Supply Activities.

Form Number(s): N/A.

OMB Control Number: 0694–0102.

Type of Request: Regular.

Burden Hours: 201 hours.

Number of Respondents: 1 respondent.

Average Hours Per Response: 201 hours per response.

Needs and Uses: This information collection is comprised of two rarely used short supply activities: ''Registration Of U.S. Agricultural Commodities For Exemption From Short Supply Limitations On Export'', and ''Petitions For The Imposition Of Monitoring Or Controls On Recyclable Metallic materials; Public Hearings.'' These activities are statutory in nature and, therefore, must remain a part of BIS's information collection budget authorization.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain benefits.

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 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 23, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–09796 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

Establishment of a Ready Applicant Pool for Department of Commerce Trade Missions

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce (Department), International Trade Administration (ITA), is establishing a Ready Applicant Pool initiative, the Ready Applicant Pool (RAP), for organizations and companies that would like to receive information directly from the Department, when it organizes a trade mission aligned with the products, services, technologies, sectors, target markets or goals of the applicant. Applicants willing and interested to send a high-level representative to participate on an expedited trade mission to any location, at any time, on very short notice are especially encouraged to apply for the RAP. Applications to join the RAP can be found at *http://www.export.gov/trademissions/eg_main_023185.asp* and will be accepted at any time.

DATES: The RAP is established as of April 28, 2015. Applications may be submitted at any time at *http://www.export.gov/trademissions/eg_main_023185.asp.* Applications will be evaluated quarterly and those accepted will be notified as soon as possible. Applicants will be selected for the current RAP term and will need to reapply when the term ends on December 31, 2016. Each term will last two years.

SUPPLEMENTARY INFORMATION:

The United States Department of Commerce (the Department), International Trade Administration (ITA), is establishing a Ready Applicant Pool (RAP) initiative for companies and organizations that would like to receive information directly from the Department when it organizes a trade mission aligned with the products, services, technology, sectors, target markets or goals of the applicant. The program is entitled the Ready Applicant Pool (RAP).

One of the primary goals of the RAP is to provide a fast and efficient method for the Department to recruit for expedited trade missions. Expedited trade missions will utilize expedited procedures, web-based notification, and will have short application deadlines. Because of their expedited nature, the Department will rely heavily on the members of the RAP for recruitment, especially those RAP members that are willing to send a high-level representative to participate on a mission to any location, at any time, on very short notice. The Department may also rely on appropriate RAP members in its recruitment for other trade missions. Specifically, the Department intends to directly contact those RAP members with products, services, technologies, target sectors, target markets or goals that align with a particular trade mission.

The benefits of joining the RAP are: (1) To ensure the Department will contact the current point-of-contact when it organizes a trade mission that it determines is aligned with the RAP member's products, services, technologies, target sectors, target markets or goals; (2) to speed up the trade mission selection process by providing the Department with the information necessary for pre-screening with respect to participation generally in its trade missions and (3) to indicate in advance a willingness to apply for and potentially participate in expedited trade missions to any location at any time, possibly on very short notice.

Any member of the U.S. business community may apply to become a member of the RAP. The U.S. business community consists of corporations, partnerships, and other business associations created under the laws of the United States or of any state; U.S. citizens; state or local economic development or international trade office or agency; trade association and other non-profit organizations that represent a sector or sectors of the U.S. economy; university competitiveness programs; and any other U.S. entity seeking to promote United States business interests abroad.

The criteria for evaluating applicants for selection for the RAP are:

- Whether the applicant will be a suitable representative of the U.S. industry sector in which it operates;
- The applicant's potential for helping to advance Department of Commerce strategic priorities;
- The applicant's past, present, and prospective business activities abroad;
- The applicant's conduct on past trade missions; and
- Whether the applicant is willing to send a high-level representative to participate on an expedited trade mission to any location, at any time, on very short notice.

The last criterion will not be dispositive for RAP selection but it will be weighted significantly in selection for the RAP. Applicants that cannot fulfill this criterion will not be excluded from the RAP.

Applicants selected for the RAP will be contacted directly by the Department when it organizes a trade mission aligned with the products, services, technologies, target sectors, target markets or goals of the applicant. The Department will have up-to-date contact information for RAP members, ensuring that trade mission information reaches the correct company contact. When contacted, RAP members will be given step-by-step instructions on how to apply for the mission. Selection for the RAP does not guarantee or assure selection for a particular trade mission. But, RAP members are pre-screened with respect to participation generally in Department trade missions.

Applications for the RAP may be submitted at any time at *http://www.export.gov/trademissions/eg_main_023185.asp.* They will be evaluated on a quarterly basis and those accepted will be notified as soon as possible. Once selected, the Department will reach out to the RAP member for updated contact information every six months. This ensures that the Department has current information about the applicant's products, services, technologies, target sectors, target markets and goals. The RAP term will end every two years. The first RAP term will begin immediately and conclude on December 31, 2016. At that time, all members will be required to reapply in order to gain membership for the following term (January 1, 2017—December 31, 2018). Applications received after July 1, 2016 will be reviewed for both the first and second cohorts of the RAP.

FOR FURTHER INFORMATION CONTACT: Frank Spector, Acting Director, Trade

Missions Program, Phone: (202) 482–2054, Email: *Frank.Spector@trade.gov.*

Frank Spector,

Acting Director, Trade Missions Program.

[FR Doc. 2015–09800 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Establishment of Expedited Trade Mission Procedures

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, is establishing new procedures for Expedited Trade Missions. When the Secretary approves a Decision Memo justifying the use of expedited procedures, the Department of Commerce will endeavor to conduct recruitment and selection for the mission within 2–3 weeks. Applicants should be aware that mission statements for Expedited Trade Missions will NOT be notified in the **Federal Register**. Instead, they will be posted online at: *http://www.export.gov/trademissions/eg_main_023185.asp.*

Applicants should also be aware that deadlines for applying for Expedited Trade Missions will be extremely short. The procedures for selecting participants for Expedited Trade Missions will be compressed. All interested parties that meet the conditions of participation are encouraged to apply, and all applicants will be evaluated on an equal basis with respect to the participation criteria.

DATES: Expedited Trade Mission procedures are established as of April 28, 2015.

SUPPLEMENTARY INFORMATION: The Department of Commerce endeavors to plan trade missions as far in advance as is feasible. However, in certain circumstances it is in the Department's interest, and consistent with its priorities, to lead a trade mission on an expedited basis, contingent on the availability of Departmental resources.

The Department is establishing new procedures for Expedited Trade Missions that will allow it, upon the approval of the Secretary, Deputy Secretary or Under Secretary of International Trade, to lead trade missions on an expedited basis. When the Secretary, Deputy Secretary or Under Secretary of International Trade approves a Decision Memo justifying the use of expedited procedures, the Department will endeavor to conduct recruitment and selection for the mission within 2–3 weeks.

The mission statements for Expedited Trade Missions will only be posted on the Web site above. The mission statement will include the conditions of participation and the participation criteria for the Expedited Trade Mission. Any party interested in participating is encouraged to apply if it meets the conditions of participation. All applicants will be evaluated on an equal basis with respect to the participation criteria.

The deadline to apply for an Expedited Trade Mission may be extremely short, potentially as little as 5 business days from the date the mission statement is posted. Short deadlines are needed to allow for recruitment and selection to be completed within 2–3 weeks. In most cases, as specified in the mission statement, applications received after the indicated deadline will be considered only if space and scheduling constraints permit.

The selection process for Expedited Trade Missions will not differ substantively from other trade missions, but will be compressed. The Department will endeavor to complete selection within 5 business days after the application deadline. Applicants for Expedited Trade Missions will be informed promptly whether or not they have been selected.

The timing for Expedited Trade Missions is expected to be extremely compressed. We encourage those selected for an Expedited Trade Mission to begin making arrangements to participate immediately. Business or entry visas may be required to participate on the mission. Applying for and obtaining such visas will be the responsibility of the mission participant. Government fees and processing expenses to obtain such visas are not included in the participation fee. However, the Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas.

FOR FURTHER INFORMATION CONTACT: Frank Spector, Acting Director, Trade Missions Program, Phone: (202) 482–2054, Email: *Frank.Spector@trade.gov.*

Frank Spector,

Acting Director, Trade Missions Program.

[FR Doc. 2015–09802 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Tuesday, May 19, 2015, from 8:30 a.m. to 5:00 p.m. Mountain Time.

DATES: The meeting will be held Tuesday, May 19, 2015, from 8:30 a.m. to 5:00 p.m. Mountain Time.

ADDRESSES: The meeting will be held at the Embassy Suites Phoenix-Scottsdale, 4415 E. Paradise Village Parkway South, Phoenix, AZ 85032. Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Kari Reidy, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–4919, email *kari.reidy@nist.gov.*

SUPPLEMENTARY INFORMATION: The MEP Advisory Board (Board) is authorized under section 3003(d) of the America COMPETES Act (Pub. L. 110–69); codified at 15 U.S.C. 278k(e), as amended, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Board is composed of 10 members, appointed by the Director of NIST. Hollings MEP is a unique program, consisting of centers across the United States and Puerto Rico with partnerships at the state, federal, and local levels. The Board provides a forum for input and guidance from Hollings MEP program stakeholders in the formulation and implementation of tools and services focused on supporting and growing the U.S. manufacturing industry, provides advice on MEP programs, plans, and policies, assesses the soundness of MEP plans and strategies, and assesses current performance against MEP program plans.

Background information on the Board is available at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C.

App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Tuesday, May 19, 2015, from 8:30 a.m. to 5:00 p.m. Mountain Time. This meeting will focus on updates from the Advisory Board Sub-committees on (1) Technology Acceleration and (2) Board Governance. In addition, the board will engage in a discussion about MEP workforce activities. The final agenda will be posted on the MEP Advisory Board Web site at *http://www.nist.gov/mep/about/advisory-board.cfm.* This meeting is being held in conjunction with the MEP Update meeting that will be held May 20–21, 2015, also at the Embassy Suites Phoenix-Scottsdale in Phoenix, Arizona.

Admittance Instructions: Anyone wishing to attend the MEP Advisory Board meeting should submit their name, email address and phone number to Kari Reidy (*kari.reidy@nist.gov* or 301–975–4919) no later than Tuesday, May 12, 2015, 5:00 p.m. Eastern Time.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the beginning of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be no more than three to five minutes each. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board Web site as *http://www.nist.gov/mep/about/advisory-board.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, or via fax at (301) 963–6556, or electronically by email to *kari.reidy@nist.gov.*

Kevin Kimball,

Chief of Staff.

[FR Doc. 2015–09786 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD917

Gulf of Mexico Fishery Management Council (Council); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of its Ad Hoc Red Snapper Charter For-Hire Advisory Panel (AP).

DATES: The meeting will convene on Wednesday, May 13, 2015, from 8:30 a.m. until 5 p.m.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council office, 2203 North Lois Avenue, Suite 1100, Tampa, FL, 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Ava Lasseter, Anthropologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *ava.lasseter@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Ad Hoc Red Snapper Charter For-Hire Advisory Panel Agenda, Wednesday, May 13, 2015, 8:30 a.m. Until 5 p.m.

I. Adoption of Agenda
II. Election of Chair and Vice-chair
III. Overview of the Charter For-hire Component
IV. Red Snapper Management Approaches for the Charter For-hire Component
V. Recommendations to the Council
VI. Other Business—Adjourn—

The Agenda is subject to change, and the latest version will be posted on the Council's file server. For meeting materials see folder ''Ad Hoc Red Snapper Charter For-Hire'' on the Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''.

The meeting will be webcast over the internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 22, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–09671 Filed 4–27–15; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Global Markets Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on May 14, 2015, from 2:00 p.m. to 5:30 p.m. the Global Markets Advisory Committee (GMAC) will hold a public meeting at the CFTC's Washington, DC headquarters. The meeting will focus on issues related to assessing clearinghouse safeguards and the CFTC's proposal on the cross-border application of its margin requirements for uncleared swaps. The meeting will consist of two panels. The first panel will discuss clearinghouse capital contributions as well as clearinghouse stress testing. The second panel will discuss the CFTC's proposal regarding cross-border application of its margin requirements for uncleared swaps.

DATES: The meeting will be held on Thursday, May 14, 2015, from 2:00 p.m. to 5:30 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by May 7, 2015.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Written statements should be submitted by mail to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, attention: Office of the Secretary; or by electronic mail to: *secretary@cftc.gov.* Please use the title ''Global Markets Advisory Committee'' in any written statement you submit. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC Web site, *www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Danielle Barrett, GMAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; (202) 418–5010.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 1–866–844–9416.

International Toll and Toll Free: Will be posted on the CFTC's Web site, *http://www.cftc.gov,* on the page for the meeting, under Related Documents.

Pass Code/Pin Code: CFTC.

After the meeting, a transcript of the meeting will be published through a link on the CFTC's Web site, *http://www.cftc.gov.* All written submissions provided to the CFTC in any form will also be published on the CFTC's Web site. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

Authority: 5 U.S.C. app. 2 section 10(a)(2).

Dated: April 23, 2015.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2015–09794 Filed 4–27–15; 8:45 am]

BILLING CODE 6351—

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Opportunity Youth Evaluation Bundling study for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Adrienne DiTommaso, at 202–606–3611 or email to *aditommaso@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within May 28, 2015.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on 1/30/2015 at 80 FR 5093. This comment period ended 3/31/15. One public comment was received, however it was non-responsive to the proposed ICR and thus was not addressed.

Description: This is a new information collection request. This study would administer a 20 minute, online, telephone, or paper and pencil survey to opportunity youth who are engaged as AmeriCorps members in select programs participating in the study. Additionally, a statistically matched comparison group of opportunity youth not engaged as AmeriCorps members would receive the survey. The survey consists of three sections of questions querying respondents about educational attainment, employment status, and civic engagement, intending to assess educational, employment and civic engagement outcomes achieved as a result of participating in the AmeriCorps program.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Opportunity Youth Evaluation Bundling project.

OMB Number: None.

Agency Number: None.

Affected Public: Opportunity youth engaged in select AmeriCorps State and National programs, and a group of statistically matched comparison youth not participating in an AmeriCorps State and National program.

Total Respondents: 1266.

Frequency: Three times over a period of two years.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 1266 hours total.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: April 22, 2015.

Mary Hyde,

Acting Director of Research and Evaluation.

[FR Doc. 2015–09829 Filed 4–27–15; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Enhanced Assessment Instruments Grants Program—Enhanced Assessment Instruments

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

Overview Information

Enhanced Assessment Instruments Grants Program—Enhanced Assessment Instruments.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.368A.

DATES: *Applications Available:* April 28, 2015.

Deadline for Notice of Intent to Apply: May 28, 2015.

Deadline for Transmittal of Applications: June 29, 2015.

Deadline for Intergovernmental Review: August 26, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Enhanced Assessment Instruments Grant program, also called the Enhanced Assessment Grants (EAG) program, is to enhance the quality of assessment instruments and systems used by States for measuring the academic achievement of elementary and secondary school students.

Background

States are continuing to improve their college- and career-ready assessment systems. These improvement efforts include initiatives to use technology to enhance the quality of assessments and timeliness and utility of the results, emphasize the leveraging of information gained from assessments in support of personalized learning, and survey existing State and local assessment frameworks to determine whether the assessment is serving its intended purpose to help schools meet their goals. For example, the Department appreciates that States need to continue developing new, innovative item types for use in summative assessments to find new, more authentic methods for collecting evidence about what a student knows and is able to do as it relates to State learning standards. Examples of this could include items that provide multi-step mathematics problems where students demonstrate their approach to solving each step; items that permit graphs or other visual response types; or simulated game environments where students interact with stimuli and interaction information is collected.

As technology continues to advance and become embedded in the classroom, assessment developers and educational leaders are looking for ways to leverage these advancements to improve the testing experience for students. For example, computer-adaptive tests could be used to capture a greater range of student performance. Leveraging technology could also improve the timeliness of reporting results, provide more options in the search for alternative ways to capture student knowledge and abilities, and improve the capability to automatically score non-multiple choice items.

These enhancements—improved assessments, faster assessment results, and alternative ways to capture student knowledge—are also important to support an initiative many States and school districts are pursuing, personalized learning for all students. Personalized classroom instruction is dependent upon having diagnostic, formative, interim, and summative assessments that produce reliable, valid, fair, and timely results in order to inform and tailor instruction for each student.

In addition, recently, there has been significant discussion about the amount of time students spend in formal testing, including classroom, district, and State assessments. Some State educational agencies (SEAs), local educational agencies (LEAs), and schools are currently in the process of reviewing assessments administered to students in kindergarten through grade 12 to better understand if each assessment is of high quality, maximizes instructional goals, has a clear purpose and utility, and is designed to provide information on students' progress toward achieving proficiency on State standards and assessments. The Department wants to invest in and recognize States that are reviewing and streamlining their assessments, including eliminating redundant and unnecessary assessments, for the purposes of identifying promising practices that could be followed by other SEAs, LEAs, and schools to maximize the utility of assessments to parents, educators, and students.

The Department also wants to invest in and support the development and enhancement of assessment systems to better measure the knowledge and abilities of all students, as is reflected in the priorities for this year's competition.

Priorities: This competition includes four absolute priorities, two competitive preference priorities, and three invitational priorities. In accordance with 34 CFR 75.105(b)(2)(iv), the absolute priorities are from section 6112 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 7301a. The competitive preference priorities are from the Department's notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 10, 2014 (79 FR 73425).

Absolute Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one or more of the absolute priorities.

These priorities are:

Absolute Priority 1—Collaboration

Collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for these assessments described in section 1111(b)(3) of the ESEA.

Absolute Priority 2—Use of Multiple Measures of Student Academic Achievement

Measure student academic achievement using multiple measures of student academic achievement from multiple sources.

Absolute Priority 3—Charting Student Progress Over Time

Chart student progress over time.

Absolute Priority 4—Comprehensive Academic Assessment Instruments

Evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance- and technology-based academic assessments.

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), the Department awards up to an additional 15 points to an application depending on how well the application meets competitive preference priority 1 and up to an additional 15 points to an application depending on how well the application meets competitive preference priority 2, for a total of up to 30 points if both competitive preference priorities are addressed.

These priorities are:

Competitive Preference Priority 1—Implementing Internationally Benchmarked College- and Career-Ready Standards and Assessments

Projects that are designed to support the implementation of, and transition to, internationally benchmarked college- and career-ready standards and

assessments, including projects in one or more of the following:

(a) Developing and implementing student assessments (such as formative assessments, interim assessments, and summative assessments) or performance-based tools that are aligned with those standards, that are accessible to all students.

(b) Developing and implementing strategies that use the standards and information from assessments to inform classroom practices that meet the needs of all students.

Within this competitive preference priority, we are particularly interested in applications that address the following invitational priority.

Invitational Priority: Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority 1—Developing Innovative Item Types

Projects that develop new, innovative item types for use in summative assessments to find new, more authentic methods for collecting evidence about a student's knowledge and abilities.

Competitive Preference Priority 2—Leveraging Technology To Support Instructional Practice and Professional Development

Projects that are designed to leverage technology through one or more of the following:

(a) Implementing high-quality accessible digital tools, assessments, and materials that are aligned with rigorous college- and career-ready standards.

(b) Using data platforms that enable the development, visualization, and rapid analysis of data to inform and improve learning outcomes, while also protecting privacy in accordance with applicable laws.

Within this competitive preference priority, we are particularly interested in applications that address the following invitational priority.

Invitational Priority: Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority 2—Leveraging Technology To Support Personalized Learning and To Improve Assessment Tools

Projects that focus on leveraging technology to:

(a) Support personalized learning, including diagnostic, formative, interim, and summative assessments that can inform instruction;

(b) Develop new types of test items that use alternative or innovative methods to capture student knowledge and abilities; or

(c) Improve the capability to automatically score non-multiple choice items, such as to aid the development of computer-adaptive testing or improve the timeliness of reporting results.

Invitational Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority 3—Audit of State and Local Assessment Systems

Projects that propose exemplary approaches for reviewing existing assessments to ensure that each test is of high quality, maximizes instructional goals, has a clear purpose and utility, and is designed to help students demonstrate mastery of State standards.

Requirements: The following requirements for this competition are from the notice of final priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on April 19, 2011 (76 FR 21985).

An eligible applicant awarded a grant under this program must:

(a) Evaluate the validity, reliability, and fairness of any assessments or other assessment-related instruments developed under a grant from this competition, and make available documentation of evaluations of technical quality through formal mechanisms (*e.g.,* peer-reviewed journals) and informal mechanisms (*e.g.,* newsletters), both in print and electronically;

(b) Actively participate in any applicable technical assistance activities conducted or facilitated by the Department or its designees, coordinate with Race To The Top Assessment program in the development of assessments under this program, and participate in other activities as determined by the Department;

(c) Develop a strategy to make student-level data that result from any assessments or other assessment-related instruments developed under a grant from this competition available on an ongoing basis for research, including for prospective linking, validity, and program improvement studies; [1]

(d) Ensure that any assessments or other assessment-related instruments developed under a grant from this competition will be operational (ready for large-scale administration) at the end of the project period;

(e) Ensure that funds awarded under the EAG program are not used to support the development of standards, such as under the English language proficiency assessment system priority or any other priority;

(f) Maximize the interoperability of any assessments and other assessment-related instruments developed with funds from this competition across technology platforms and the ability for States to move their assessments from one technology platform to another by doing the following, as applicable, for any assessments developed with funds from this competition by—

(1) Developing all assessment items in accordance with an industry-recognized open-licensed interoperability standard that is approved by the Department during the grant period, without non-standard extensions or additions; and

(2) Producing all student-level data in a manner consistent with an industry-recognized open-licensed interoperability standard that is approved by the Department during the grant period;

(g) Unless otherwise protected by law or agreement as proprietary information, make any assessment content (*i.e.,* assessments and assessment items) and other assessment-related instruments developed with funds from this competition freely available to States, technology platform providers, and others that request it for purposes of administering assessments, provided that those parties receiving assessment content comply with consortium or State requirements for test or item security; and

(h) For any assessments and other assessment-related instruments developed with funds from this competition, use technology to the maximum extent appropriate to develop, administer, and score the assessments and report results.

Definitions: The following definitions are from the notice of final priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on April 19, 2011 (76 FR 21985), the notice of final priorities, requirement, definitions, and

[1] Eligible applicants awarded a grant under this program must comply with the Family Educational Rights and Privacy Act (FERPA) and 34 CFR part 99, as well as State and local requirements regarding privacy.

selection criteria for this program published in the **Federal Register** on May 23, 2013 (78 FR 31343), and from the Department's notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 10, 2014 (79 FR 73425).

English learner means a child, including a child aged three and younger, who is an English learner consistent with the definition of a child who is ''limited English proficient,'' as applicable, in section 9101(25) of the ESEA.

Formative assessment (also known as a classroom-based or ongoing assessment) means assessment questions, tools, and processes—

(a) That are—

(1) Specifically designed to monitor children's progress;

(2) Valid and reliable for their intended purposes and their target populations; and

(3) Linked directly to the curriculum; and

(b) The results of which are used to guide and improve instructional practices.

Student with a disability means a student who has been identified as a child with a disability under the Individuals with Disabilities Education Act, as amended.

Program Authority: 20 U.S.C. 7301a and 7842.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The notice of final priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on April 19, 2011 (76 FR 21985). (e) The notice of final priorities, requirement, definitions, and selection criteria for this program published in the **Federal Register** on May 23, 2013 (78 FR 31343). (f) The Department's notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 10, 2014 (79 FR 73426).

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $8,945,000–$17,870,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards from the list of unfunded applicants from this competition.

Estimated Range of Awards: $1,000,000 to $6,000,000.

Estimated Average Size of Awards: $2,500,000.

Estimated Number of Awards: 3–6.

Note: Applicants should submit a single budget request for a single budget and propose a project period of up to 48 months. Applicants should request a time period that is up to 48 months, based on a timeline that takes into account the urgency of the need of the final project findings and products to be accessible to the field. Subject to the availability of future years' funds, the Department may make supplemental grant awards to the grants awarded in this competition.

Note: Applicants may not propose a budget for Invitational Priority 3, if addressed, of greater than $100,000.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs as defined in section 9101(41) of the ESEA and consortia of such SEAs.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other:* An application from a consortium of SEAs must designate one SEA as the fiscal agent.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can access the electronic grant application for the Enhanced Assessment Instruments Grants Program at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.368, not 84.368A). You can also obtain a copy of the application package by contacting the program contact, Erin Shackel, Enhanced Assessment Grants Program, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W111, Washington, DC 20202–6132. Telephone: (202) 453–6423 or by email: *Erin.Shackel@ed.gov*.

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The project narrative (part 3 of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the project narrative (part 3) to the equivalent of no more than 65 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the project narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use Times New Roman font no smaller than 11.0 point for all text in the project narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables figures, and graphs. Font sizes that are smaller than 11 but round up to 11, such as 10.7 point, will be considered smaller than 11.0.
- Any screen shots included as part of the narrative should follow these standards or, if other standards are applied, be sized to equal the equivalent amount of space if these standards were applied.

The page limit applies to the project narrative (part 3), including the table of contents, which must include a discussion of how the application meets one or more of the absolute priorities; if applicable, how the application meets one or both of the competitive preference priorities; if applicable, how the applicant addresses the invitational priorities; and how well the application addresses each of the selection criteria. The page limit also applies to any attachments to the project narrative other than the references/bibliography. In other words, the entirety of part 3 of the application, including the aforementioned discussion and any attachments to the project narrative, must be limited to the equivalent of no more than 65 pages. The only allowable attachments other than those included in the project narrative are outlined in part 6, ''Other Attachments Forms,'' in

the application package. Any attachments other than those included within the page limit of the project narrative and those outlined in part 6 will not be reviewed.

The 65-page limit, or its equivalent, does not apply to the following sections of an application: Part 1 (including the response regarding research activities involving human subjects); part 2 (two-page project abstract); part 4 (the budget sections, including the chart and narrative budget justification); part 5 (standard assurances and certifications); and part 6 (memoranda of understanding or other binding agreement, if applicable; copy of applicant's indirect cost rate agreement; letters of commitment and support from collaborating SEAs and organizations; and other attachments forms, including, if applicable, references/bibliography for the project narrative and individual résumés for project director(s) and key personnel). Applicants are encouraged to limit each résumé to no more than five pages.

In addition, do not use hyperlinks in an application. Reviewers will be instructed not to follow hyperlinks if included. Our reviewers will not read any pages of your project narrative that exceed the page limit, or the equivalent of the page limit if you apply other standards. Applicants are encouraged to submit applications that meet the page limit following the standards outlined in this section rather than submitting applications that are the equivalent of the page limit applying other standards.

3. *Submission Dates and Times:*

Applications Available: April 28, 2015.

Deadline for Notice of Intent To Apply: May 28, 2015.

We will be able to develop a more efficient process for reviewing grant applications if we have a better understanding of the number of applicants that intend to apply for funding under this competition. Therefore, we strongly encourage each potential applicant to notify us of the applicant's intent to submit an application for funding. This notification should be brief, and provide the applicant organization's name and the SEA the applicant will designate as the fiscal agent for an award. Submit this notification by email to *Erin.Shackel@ed.gov* with ''Intent to Apply'' in the email subject line or mail to Erin Shackel, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W111, Washington, DC 20202–6132. Applicants that do not provide this email notification may still apply for funding.

Deadline for Transmittal of Applications: June 29, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 26, 2015.

4. *Intergovernmental Review:* This competition is subject to E.O. 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under E.O. 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the EAG competition, CFDA number 84.368A, must be submitted electronically using

the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the EAG competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.368, not 84.368A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked

no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Erin Shackel, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W111, Washington, DC 20202–6132. FAX: (202) 205–0310.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.368A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.368A), 550 12th Street, SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from EDGAR General Selection Criteria 34 CFR 75.210 and are listed in the application package. Specifically, the following general selection criteria apply to this competition: need for project, significance, quality of the project design, quality of project services, quality of project personnel, adequacy of resources, quality of the management plan, quality of the project evaluation, and strategy to scale.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has developed four measures to evaluate the overall effectiveness of the Enhanced Assessment Instruments Grants program: (1) The number of States that

participate in Enhanced Assessment Instruments Grants projects funded by this competition; (2) the percentage of grantees that, at least twice during the period of their grants, make available to SEA staff in non-participating States and to assessment researchers information on findings resulting from the Enhanced Assessment Instruments Grants through presentations at national conferences, publications in refereed journals, or other products disseminated to the assessment community; (3) for each grant cycle and as determined by an expert panel, the percentage of Enhanced Assessment Instruments Grants that yield significant research, methodologies, products, or tools regarding assessment systems or assessments; and (4) for each grant cycle and as determined by an expert panel, the percentage of Enhanced Assessment Instruments Grants that yield significant research, methodologies, products, or tools specifically regarding accommodations and alternate assessments for students with disabilities and limited English proficient students. Grantees will be expected to include in their interim and final performance reports information about the accomplishments of their projects because the Department will need data on these measures.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Erin Shackel, Enhanced Assessment Grants Program, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W111, Washington, DC 20202–6132. Telephone: (202) 453–6423 or by email: *Erin.Shackel@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 23, 2015.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2015–09898 Filed 4–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Indian Education Discretionary Grants Programs—Demonstration Grants for Indian Children Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

Overview Information: Indian Education Discretionary Grants Programs—Demonstration Grants for Indian Children Program Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.299A.

Dates

Applications Available: April 28, 2015.

Deadline for Notice of Intent To Apply: June 2, 2015.

Deadline for Transmittal of Applications: June 29, 2015.

Deadline for Intergovernmental Review: August 26, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Demonstration Grants for Indian Children program is to provide financial assistance to projects that develop, test, and demonstrate the effectiveness of services and programs to improve the educational opportunities and achievement of preschool, elementary, and secondary Indian students.

Background: The priority for Native Youth Community Projects is a new priority under the Demonstration Grants program and a major part of the Generation Indigenous (Gen-I) Initiative. These projects will provide funding to support community-driven, comprehensive projects to help American Indian/Alaska Native (AI/AN) children become college- and career-ready.

Given the interconnectedness of in-school and out-of-school factors, the Department intends to award several grants to encourage a community-wide approach to providing academic, social, and other support services, for AI/AN students and students' family members that will result in improved educational outcomes, and specifically college- and career-readiness. Grantees' project evaluations will help inform future practices that effectively improve outcomes for AI/AN youth.

Priorities: This competition contains one absolute priority and five competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority is from the notice of final regulations (34 CFR 263.21(c)(1) and 263.20) for this program (NFR), published in the **Federal Register** on April 22, 2015 (80 FR 22403). In accordance with 34 CFR 75.105(b)(2)(iv), competitive preference priority one is from section 263.21(c)(5) of the NFR, competitive preference priorities two and four are from section 263.21(b) of the NFR, competitive preference priority three paragraph (b) is from section 263.21(c)(2) of the NFR, and competitive preference priority five is from section 263.21(a) of the NFR. Competitive preference priority three paragraph (a) (relating to Promise Zones) is from the notice of final priority published in the **Federal Register** on March 27, 2014 (79 FR 17035).

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: *Native Youth Community Projects.*

A native youth community project is—

(1) Focused on a defined local geographic area;

(2) Centered on the goal of ensuring that Indian students are prepared for college and careers;

(3) Informed by evidence, which could be either a needs assessment conducted within the last three years or other data analysis, on—

(i) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers;

(ii) Opportunities in the local community to support Indian students; and

(iii) Existing local policies, programs, practices, service providers, and funding sources;

(4) Focused on one or more barriers or opportunities with a community-based strategy or strategies and measurable objectives;

(5) Designed and implemented through a partnership of various entities, which—

(i) Must include—

(A) One or more tribes or their tribal education agencies; and

(B) One or more Department of the Interior Bureau of Indian Education (BIE)-funded schools, one or more local educational agencies (LEAs), or both; and

(ii) May include other optional entities, including community-based organizations, national nonprofit organizations, and Alaska regional corporations; and

(6) Led by an entity that—

(i) Is eligible for a grant under the Demonstration Grants for Indian Children program; and

(ii) Demonstrates, or partners with an entity that demonstrates, the capacity to improve outcomes that are relevant to the project focus through experience with programs funded through other sources.

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we will award up to an additional 9 points to an application, depending on how well the application meets one or more of these priorities.

These priorities are:

Competitive Preference Priority One

We award three points to an application proposing to serve a rural local community. To meet this priority, a project must include an LEA that is eligible under the Small Rural School Achievement (SRSA) or Rural and Low-Income School (RLIS) programs or a BIE-funded school that is located in an area designated by the U.S. Census Bureau with a locale code of 42 or 43.

Competitive Preference Priority Two

We award three points to an application submitted by an eligible Indian tribe, Indian organization, or Indian institution of higher education (IHE). A consortium of eligible entities or a partnership is eligible to receive the points only if the lead applicant is an Indian tribe, Indian organization, or Indian IHE.

Competitive Preference Priority Three

We award two points to an application that is either—

(a) Designed to serve a local community within a federally designated Promise Zone; or

(b) Submitted by a partnership or consortium in which the lead applicant or one of its partners has received a grant in the last four years under one or more of the following grant or enhancement programs:

(1) State Tribal Education Partnership (title VII, part A, subpart 3).

(2) Sovereignty in Indian Education Enhancements (Department of the Interior).

(3) Alaska Native Education Program (title VII, part C).

(4) Promise Neighborhoods.

Note: An application will not receive points for both (a) and (b).

Competitive Preference Priority Four

We award one point to an application that is not eligible under Priority 2 and is submitted by a consortium of eligible entities or a partnership that includes an Indian tribe, Indian organization, or Indian IHE.

Competitive Preference Priority Five

We award one point to an application with a plan for combining two or more of the activities described in section 7121(c) of the ESEA over a period of more than one year.

Note: Applications that propose a project to meet the absolute priority will likely meet this competitive preference priority.

Application Requirements: The following requirements apply to all applications submitted under this competition and are from section 263.22 of the NFR, published in the **Federal Register** on April 22, 2015 (80 FR 22403). Each application must contain:

(a) A description of how Indian tribes and parents of Indian children have been, and will be, involved in developing and implementing the proposed activities.

(b) Assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of this program.

(c) Information demonstrating that the proposed project is based on scientific research, where applicable, or an existing program that has been modified to be culturally appropriate for Indian students.

(d) A description of how the applicant will continue the proposed activities once the grant period is over.

(e) Evidence, which could be either a needs assessment conducted within the last three years or other data analysis, of—

(1) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers;

(2) Opportunities in the local community to support Indian students; and

(3) Existing local policies, programs, practices, service providers, and funding sources.

(f) A copy of an agreement signed by the partners in the proposed project, identifying the responsibilities of each partner in the project. The agreement can be either—

(1) A consortium agreement that meets the requirements of 34 CFR 75.128, if each of the entities are eligible entities under this program; or

(2) Another form of partnership agreement, such as a memorandum of understanding or a memorandum of agreement, if not all the partners are eligible entities under this program.

(g) A plan, which includes measurable objectives, to evaluate reaching the project goal or goals.

Statutory Hiring Preference:

(a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). That section requires that, to the greatest extent feasible, a grantee—

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

(b) For purposes of this section, an Indian is a member of any federally recognized Indian tribe.

Program Authority: 20 U.S.C. 7441.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 263, including the recent amendments of the NFR, published in the **Federal Register** on April 22, 2015 (80 FR 22403).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $3,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $400,000–600,000.

Estimated Average Size of Awards: $500,000.

Estimated Number of Awards: 5–7.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants for this program are State educational agencies; LEAs, including charter schools that are considered LEAs under State law; Indian tribes; Indian organizations; BIE-funded schools; Indian institutions (including Indian IHEs); or a consortium of any of these entities.

An application from a consortium of eligible entities must meet the requirements of 34 CFR 75.127 through 75.129, including the requirement to include a signed consortium agreement with the application. Letters of support do not meet the requirement for a consortium agreement.

Applicants applying in a consortium with or as an Indian organization must demonstrate that they meet the definition of ''Indian organization'' in 34 CFR 263.20.

The term ''Indian institution of higher education'' means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*), and Dine College (formerly Navajo Community College) authorized in the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a *et seq.*).

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs).

To obtain a copy via the Internet, use the following address: *www.ed.gov/gund/grant/apply/grantapps/index.html*.

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.299A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Notice of Intent to Apply: The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, the Assistant Secretary strongly encourages each potential applicant to notify us of their intent to submit an application for funding. To do so, please email *David.Emenheiser@ed.gov* with the subject line ''Intent to Apply,'' and include the following information:

1. Applicant's name, mailing address, and phone number;

2. Contact person's name and email address;

3. A defined local geographical community to be served;

4. Name(s) of partnering LEA(s) or BIE-funded school(s);

5. Names of partnering tribe(s) or TEA(s); and

6. If appropriate, names of other partnering organizations.

Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

Pre-Application Webinar: The Department intends to hold a pre-application Webinar designed to provide technical assistance to interested applicants. Information about Webinar times and instructions for registering are on the Department Web site at *http://www2.ed.gov/programs/indiandemo/applicant.html*.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. The suggested page limit for the application narrative is 35 pages. The suggested standards for the narrative include:

- A page is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is 12 point or larger but no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The suggested page limit does not apply to the cover sheet; the budget section, including the budget narrative justification; the consortium agreement or partnership agreement; the assurances and certifications; or the abstract, the resumes, the bibliography, or other required attachments.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Demonstration Grants for Indian Children, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with E. O. 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachment Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: April 28, 2015.

Deadline for Notice of Intent to Apply: June 2, 2015.

Deadline for Transmittal of Applications: June 29, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under *For Further Information Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 26, 2015.

4. *Intergovernmental Review:* This competition is subject to E. O. 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under E. O. 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Indian Education—Demonstration Grants for Indian Children program, CFDA number 84.299A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Indian Education—Demonstration Grants for Indian Children program at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.299, not 84.299A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application

deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: David E. Emenheiser, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W215, Washington, DC 20202–6335. FAX: (202) 401–0606.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.299A) LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand,

on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.299A) 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition include general selection criteria from 34 CFR 75.210 and selection criteria based on regulatory requirements in 34 CFR part 263, including the recent amendments of the NFR, published in the **Federal Register** on April 22, 2015 (80 FR 22403), in accordance with 34 CFR 75.209(a). We will award up to 100 points to an application under the selection criteria; the total possible points for each selection criterion are noted in parentheses.

a. *Need for project* (Maximum 15 points). The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the following factor:

(i) The extent to which the project is informed by evidence, which could be either a needs assessment conducted within the last three years or other data analysis, of:

(1) The greatest barriers both in and out of school to the readiness of local Indian students for college and careers;

(2) Opportunities in the local community to support Indian students; and

(3) Existing local policies, programs, practices, service providers, and funding sources.

b. *Quality of the project design* (Maximum 25 points). The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the project is focused on a defined local geographic area.

(ii) The extent to which the proposed project is based on scientific research, where applicable, or an existing program that has been modified to be culturally appropriate for Indian students.

(iii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(iv) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(v) The extent to which the proposed project is supported by strong theory (as defined in 34 CFR 77.1(c)).

(vi) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

c. *Quality of project personnel* (Maximum 10 points). The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

Note: Please note that section 7(b) of the Indian Self-Determination and Education Assistance Act requires that to the greatest extent feasible, a grantee must give to Indians preference and opportunities in connection with the administration of the grant, and give Indian organizations and Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

d. *Adequacy of resources* (Maximum 10 points). The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(ii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

e. *Quality of Experience* (Maximum 10 points). The Secretary considers the quality of experience for the proposed project. In determining the quality of experience for the proposed project, the Secretary considers the following factor:

The extent to which the applicant, or one of its partners, demonstrates capacity to improve outcomes that are relevant to the project focus through experience with programs funded through other sources.

f. *Quality of the management plan* (Maximum 20 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(iii) The extent to which Indian tribes and parents of Indian children have been, and will be, involved in developing and implementing the proposed activities.

g. *Quality of the project evaluation* (Maximum 10 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(ii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project

objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has developed the following performance measures for measuring the overall effectiveness of the Demonstration Grants for Indian Children program:

(1) The percentage of the annual measurable objectives, as described in the application, that are met by grantees; and

(2) The percentage of grantees that report a significant increase in community collaborative efforts that promote college and career readiness of Indian children.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in developing the proposed project and identifying the method of evaluation. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: David E. Emenheiser, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W215, Washington, DC 20202. Telephone: (202) 260–1488 or by email: *david.emenheiser@ed.gov.*

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disk) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 23, 2015.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2015–09832 Filed 4–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. TPF–01]

Application for Proposed Project for Clean Line Plains & Eastern Transmission Line

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: The Department of Energy (DOE) requests public comment on the first complete application submitted in response to its June 10, 2010 *Request for Proposals for New or Upgraded Transmission Line Projects Under Section 1222 of the Energy Policy Act of 2005* in the **Federal Register** (75 FR 32940) (2010 RFP). In response to the 2010 RFP, Clean Line Energy Partners, LLC, submitted an application for its Plains & Eastern Clean Line project. The project would include an overhead ±600-kilovolt (kV) high voltage, direct current electric transmission system and associated facilities with the capacity to deliver approximately 3,500 megawatts

primarily from renewable energy generation facilities in the Oklahoma and Texas Panhandle regions to load-serving entities in the Mid-South and Southeast United States via an interconnection with the Tennessee Valley Authority electrical grid. DOE has concluded that Clean Line's application was responsive to the 2010 RFP and is making it available for public review.

DATES: Comments on the application must be submitted on or before June 12, 2015.

ADDRESSES: Written comments should be addressed as follows: 1222 Program, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Electronic comments can be emailed to *plainsandeastern@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Angela Colamaria at 202–287–5387 or via electronic mail at *Angela.Colamaria@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 1222 of the Energy Policy Act of 2005 (EPAct) (42 U.S.C. 16421), the Secretary of Energy, acting through the Southwestern Power Administration (Southwestern) or the Western Area Power Administration (Western), has the authority to design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning two types of projects: (a) Electric power transmission facilities and related facilities needed to upgrade existing transmission facilities owned by Southwestern or Western (42 U.S.C. 16421(a)), or (b) new electric power transmission facilities and related facilities located within any State in which Southwestern or Western operates (42 U.S.C. 16421(b)). In carrying out either type of section 1222 project (Project), the Secretary may accept and use funds contributed by another entity for the purpose of executing the Project (42 U.S.C. 16421(c)).

In order to exercise the authority to engage in these activities under section 1222, the Secretary, in consultation with the applicable Power Marketing Administrator, must first determine that a proposed Project satisfies certain statutory criteria:

i. The proposed Project must be either:

(A) Located in an area designated under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)) and will reduce congestion of electric transmission in interstate commerce; or

(B) Necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

ii. The proposed Project must be consistent with both:

(A) Transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Transmission Organization (as defined in the Federal Power Act, 16 U.S.C. 791a *et seq.*) if any, or approved regional reliability organization; and

(B) Efficient and reliable operation of the transmission grid;

iii. The proposed Project will be operated in conformance with prudent utility practice;

iv. The proposed Project will be operated by, or in conformance with the rules of, the appropriate Transmission Organization, if any; or if such an organization does not exist, regional reliability organization; and

v. The proposed Project will not duplicate the functions of existing transmission facilities or proposed facilities which are the subject of ongoing or approved siting and related permitting proceedings.

In June 2010, DOE issued *Request for Proposals for New or Upgraded Transmission Line Projects Under Section 1222 of the Energy Policy Act of 2005* (75 FR 32940) (2010 RFP). To be responsive to the 2010 RFP, the application must demonstrate how the proposed Project meets all of the above statutory criteria, as well as several additional criteria, including, but not limited to, the following:

1. Whether the Project is in the public interest;

2. Whether the Project will facilitate the reliable delivery of power generated by renewable resources;

3. The benefits and impacts of the Project in each state it traverses, including economic and environmental factors;

4. The technical viability of the Project, considering engineering, electrical, and geographic factors; and

5. The financial viability of the Project.

In response to the 2010 RFP, Clean Line Energy Partners LLC of Houston, Texas, the parent company of Plains and Eastern Clean Line LLC and Plains and Eastern Clean Line Oklahoma LLC (collectively referred to with its subsidiaries as Clean Line or the Applicant) submitted a proposal to DOE in July 2010 for the Plains & Eastern Clean Line Project. In August 2011, Clean Line modified the proposal. In December 2014, DOE requested additional information from the Applicant to supplement and update its original application. This ''Part II'' application and other documentation are now available for a 45-day public comment period.

Clean Line proposes to construct an overhead ±600-kilovolt (kV), high voltage direct current (HVDC) electric transmission system and associated facilities with the capacity to deliver approximately 3,500 megawatts primarily from renewable energy generation facilities in the Oklahoma and Texas Panhandle regions to load-serving entities in the Mid-South and Southeast United States via an interconnection with the Tennessee Valley Authority electrical grid. Major associated facilities identified in the application consist of converter stations; an approximate 720-mile, ±600kV HVDC transmission line; an alternating current (AC) collection system; and access roads. Clean Line requests that Southwestern participate in development of the facilities in Oklahoma and Arkansas. As part of their environmental review of the project pursuant to the National Environmental Policy Act (NEPA), DOE has identified and analyzed potential environmental impacts for several additional alternatives. These alternatives include an Arkansas converter station (capable of supplying an additional 500 megawatts of energy into the Arkansas electrical grid) and alternative routes for the HVDC transmission line.

Procedural Matters: Prior to making a determination whether or not to participate in the proposed Project, DOE, in consultation with Southwestern, must evaluate the proposed Project for compliance with section 1222 of EPAct, the criteria in the 2010 RFP, and NEPA. On December 21, 2012, DOE issued a Notice of Intent to Draft an Environmental Impact Statement (EIS; 77 FR 75623) pursuant to NEPA. On December 17, 2014, DOE issued a Notice of Availability and announced public hearings for the Draft EIS (79 FR 75132). DOE made the Draft EIS available on DOE's Plains & Eastern EIS Web site (*www.PlainsandEasternEIS.com*) and the DOE NEPA Web site (*www.energy.gov/nepa*). The Draft EIS assesses the potential environmental effects of participating in the proposed Project. DOE hosted fifteen public hearings across the proposed Project area. The public comment period for the NEPA review is scheduled to end on April 20, 2015. DOE will address the public comments in the Final EIS, which will inform the Department's determination.

In addition to conducting a NEPA review, DOE is conducting due

diligence on other factors related to the statutory criteria identified above. DOE's review will include making all required statutory findings and will consider all criteria listed in section 1222 of EPAct, as well as all factors included in DOE's 2010 RFP. This due diligence is the reason for today's notice. DOE is requesting comments on whether the proposed Project meets the statutory criteria and the factors identified within the 2010 RFP.

Any person may comment on the application by filing such comment at the address provided above. Copies of the application are available by accessing the program Web site at *http://www.energy.gov/oe/services/electricity-policy-coordination-and-implementation/transmission-planning/section-1222-0.*

Issued in Washington, DC, on April 23, 2015.

Patricia A. Hoffman,

Principal Deputy Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2015–09941 Filed 4–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at Southwest Power Pool Regional Entity Trustee, Regional State Committee, Members' and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. (SPP) Regional Entity Trustee (RE), Regional State Committee (RSC), SPP Members Committee and Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

All meetings will be held at the Tulsa Hyatt Regency Downtown, 100 East Second Street, Tulsa, OK 74103.

SPP RE

April 27, 2015 (8:00 a.m.–3:00 p.m.)

SPP RSC

April 27, 2015 (1:00 p.m.–5:00 p.m.)

SPP Members/Board of Directors

April 28, 2015 (8:00 a.m.–3:00 p.m.)

The discussions may address matters at issue in the following proceedings:

Docket No. EL05–19, *Southwestern Public Service Company*
Docket No. ER05–168, *Southwestern Public Service Company*
Docket No. ER06–274, *Southwestern Public Service Company*
Docket No. ER09–35, *Tallgrass Transmission, LLC*
Docket No. ER09–36, *Prairie Wind Transmission, LLC*
Docket No. ER09–548, *ITC Great Plains, LLC*
Docket No. EL11–34, *Midcontinent Independent System Operator, Inc.*
Docket No. ER11–1844, *Midcontinent Independent System Operator, Inc.*
Docket No. ER11–4105, *Southwest Power Pool, Inc.*
Docket No. EL12–28, *Xcel Energy Services Inc., et al.*
Docket No. EL12–59, *Golden Spread Electric Cooperative, Inc.*
Docket No. EL12–60, *Southwest Power Pool, Inc., et al.*
Docket No. ER12–480, *Midcontinent Independent System Operator, Inc.*
Docket No. ER12–959, *Southwest Power Pool, Inc.*
Docket No. ER12–1179, *Southwest Power Pool, Inc.*
Docket No. ER12–1586, *Southwest Power Pool, Inc.*
Docket No. ER13–366, *Southwest Power Pool, Inc.*
Docket No. ER13–367, *Southwest Power Pool, Inc.*
Docket No. ER13–1173, *Southwest Power Pool, Inc.*
Docket No. ER13–1864, *Southwest Power Pool, Inc.*
Docket No. ER13–1937, *Southwest Power Pool, Inc.*
Docket No. ER13–1939, *Southwest Power Pool, Inc.*
Docket No. EL14–21, *Southwest Power Pool, Inc.*
Docket No. EL14–30, *Midcontinent Independent System Operator, Inc.*
Docket No. EL14–93, *Kansas Corporation Commission* v. *Westar Energy, Inc.*
Docket No. ER14–67, *Southwest Power Pool, Inc.*
Docket No. ER14–781, *Southwest Power Pool, Inc.*
Docket No. ER14–1174, *Southwest Power Pool, Inc.*
Docket No. ER14–1713, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2022, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2081, *Southwest Power Pool, Inc.*
Docket No. ER14–2107, *Southwest Power Pool, Inc.*
Docket No. ER14–2363, *Southwestern Public Service Company*
Docket No. ER14–2399, *Southwest Power Pool, Inc.*
Docket No. ER14–2445, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2553, *Southwest Power Pool, Inc.*
Docket No. ER14–2570, *Southwest Power Pool, Inc.*
Docket No. ER14–2850, *Southwest Power Pool, Inc.*
Docket No. ER14–2851, *Southwest Power Pool, Inc.*
Docket No. ER15–10, *Southwest Power Pool, Inc.*
Docket No. ER15–21, *Southwest Power Pool, Inc.*
Docket No. ER15–279, *Southwest Power Pool, Inc.*
Docket No. ER15–509, *Southwest Power Pool, Inc.*
Docket No. ER15–534, *Southwest Power Pool, Inc.*
Docket No. ER15–763, *Southwest Power Pool, Inc.*
Docket No. ER15–879, *Southwest Power Pool, Inc.*
Docket No. ER15–929, *Southwest Power Pool, Inc.*
Docket No. ER15–964, *Southwest Power Pool, Inc.*
Docket No. ER15–990, *Southwest Power Pool, Inc.*
Docket No. ER15–1139, *Southwest Power Pool, Inc.*
Docket No. ER15–1140, *Southwest Power Pool, Inc.*
Docket No. ER15–1152, *Southwest Power Pool, Inc.*
Docket No. ER15–1163, *Southwest Power Pool, Inc.*
Docket No. ER15–1228, *Southwest Power Pool, Inc.*
Docket No. ER15–1293, *Southwest Power Pool, Inc.*
Docket No. ER15–1304, *Southwest Power Pool, Inc.*
Docket No. ER15–1340, *Southwest Power Pool, Inc.*
Docket No. ER15–1370, *Southwest Power Pool, Inc.*
Docket No. ER15–1401, *Southwest Power Pool, Inc.*
Docket No. ER15–1414, *Southwest Power Pool, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov*.

Dated: April 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09749 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR13–14–001]

Western Refining Pipeline, LLC; Notice for Temporary Waiver of Filing and Reporting Requirements

On April 20, 2015, Western Refining Pipeline, LLC (Western) filed a Request to Amend previously granted waiver of Interstate Commerce Act tariff and reporting requirements and Commission's related implementing regulations.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 4 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.or* call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: May 13, 2015.

Dated: April 22, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09810 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–127–000.

Applicants: Calpine Greenleaf, Inc.

Description: Application For Approval Under Section 203 of the Federal Power Act and Request for Expedited Action of Calpine Greenleaf, Inc.

Filed Date: 4/21/15.

Accession Number: 20150421–5235.

Comments Due: 5 p.m. ET 5/12/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–71–000.

Applicants: Seville Solar One LLC.

Description: Notice of Self-Certification of EWG Status of Seville Solar One LLC.

Filed Date: 4/21/15.

Accession Number: 20150421–5258.

Comments Due: 5 p.m. ET 5/12/15.

Docket Numbers: EG15–72–000.

Applicants: Tallbear Seville LLC.

Description: Notice of Self-Certification of EWG Status of Tallbear Seville LLC.

Filed Date: 4/21/15.

Accession Number: 20150421–5259.

Comments Due: 5 p.m. ET 5/12/15.

Docket Numbers: EG15–73–000.

Applicants: Garrison Energy Center LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Garrison Energy Center LLC.

Filed Date: 4/22/15.

Accession Number: 20150422–5172.

Comments Due: 5 p.m. ET 5/13/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4505–001*; ER11–4506–001.*

Applicants: Backyard Farms Energy LLC, Devonshire Energy LLC.

Description: Notification of Change in Status of Backyard Farms Energy LLC and Devonshire Energy LLC.

Filed Date: 4/22/15.

Accession Number: 20150422–5161.

Comments Due: 5 p.m. ET 5/13/15.

Docket Numbers: ER15–523–002.

Applicants: Duke Energy Florida, Inc., Duke Energy Progress, Inc., Duke Energy Carolinas, LLC.

Description: Compliance filing per 35: Compliance Filing Lottery to be effective 6/1/2015.

Filed Date: 4/22/15.

Accession Number: 20150422–5241.

Comments Due: 5 p.m. ET 5/13/15.

Docket Numbers: ER15–1547–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 1st Quarter 2015 Updates to OA/RAA Membership Lists to be effective 3/31/2015.

Filed Date: 4/22/15.

Accession Number: 20150422–5242.

Comments Due: 5 p.m. ET 5/13/15.

Docket Numbers: ER15–1548–000.

Applicants: Central Maine Power Company.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Service Agreement No. 158 (CSIA) to be effective 4/14/2015.

Filed Date: 4/22/15.

Accession Number: 20150422–5265.

Comments Due: 5 p.m. ET 5/13/15.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF14–682–000.

Applicants: President and Fellows of Harvard College.

Description: Refund Report of President and Fellows of Harvard College.

Filed Date: 4/21/15.

Accession Number: 20150421–5174.

Comments Due: 5 p.m. ET 5/12/15.

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 22, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09808 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2413–117]

Georgia Power Company; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2413–117.

c. *Dated Filed:* February 18, 2015.

d. *Submitted By:* Georgia Power Company (Georgia Power).

e. *Name of Project:* Wallace Dam Pumped Storage Project.

f. *Location:* On the Oconee River, in Hancock, Putnam, Green, and Morgan Counties, Georgia. The project occupies about 370 acres of federal land administered by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. Potential *Applicant Contact:* Courtenay R. O'Mara, P.E., Wallace Dam Hydro Relicensing Manager, Southern Company Generation, BIN 10193, 241 Ralph McGill Blvd. NE., Atlanta, GA 30308–3374; (404) 506–7219; *g2oconeerel@southernco.com.*

i. *FERC Contact:* Allan Creamer at (202) 502–8365, or email at *allan.creamer@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (1) the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and (2) the State Historic Preservation Officer, as required by section 106 of the National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Georgia Power as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Georgia Power filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at *http://www.georgipower.com/about-energy/energy-sources/hydro-power/hydro-projects/wallace/home.cshtml,* or the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, as well as study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. Documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

All filings with the Commission must include on the first page, the project name and number (*i.e.,* Wallace Dam Pumped Storage Project, P–2413–117), and bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by June 19, 2015.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Wednesday, May 20, 2015.
Time: 1:00 p.m.
Location: Rock Eagle 4–H Center, Sutton Hall, 350 Rock Eagle Road, Eatonton, Georgia 31024.
Phone: (706) 484–2868.

Evening Scoping Meeting

Date: Wednesday, May 20, 2015.
Time: 6:30 p.m.
Location: Rock Eagle 4–H Center, Sutton Hall, 350 Rock Eagle Road, Eatonton, Georgia 31024.
Phone: (706) 484–2868.

SD1, which outlines the subject areas to be addressed in the environmental

document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review of the project on Tuesday, May 19, 2015, starting at 9:00 a.m. All participants should meet at Georgia Power's Old Salem Park, located at 1530 Old Salem Road, Greensboro, Georgia 30642. Anyone with questions about the site visit should contact Ms. Courtenay O'Mara, Southern Company Generation, at (404) 506–7219, or at *g2oconeerel@southernco.com,* on or before May 5, 2015. Participants of the tour must provide identification, sign a liability waiver, and wear appropriate clothing and closed toed shoes. If any participant attending any part of the site visit is disabled or has special needs, please send an email to Oconee Relicensing at *g2oconeerel@southernco.com.*

Meeting Objectives

At the scoping meetings, Commission staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activities that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer. The transcripts will be placed in the public record for the project.

Dated: April 17, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09747 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–61–000]

Benjamin Riggs v. Rhode Island Public Utilities Commission Notice of Petition For Enforcement

Take notice that on April 21, 2015, Benjamin Riggs (Petitioner) filed a Petition for Enforcement, pursuant to section 210(h)(2) of the Public Utility Regulatory Policies Act of 1978 (PURPA), requesting the Federal Energy Regulatory Commission (Commission) to exercise its authority and initiate enforcement action against the Rhode Island Public Utilities Commission to ensure that PURPA regulations are properly and lawfully implemented. Petitioner alleges that the Rhode Island Public Utility Commission on August 16, 2010, as directed by the Rhode Island General Assembly, approved a 20-year Purchase Power Agreement between Deepwater Wind Block Island, LLC and National Grid that appears to constitute a violation of the Federal Power Act, to include 16 U.S.C. 791 *et seq.,* 16 U.S.C. 824, and the Supremacy Clause of the U.S. Constitution.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 12, 2015.

Dated: April 22, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–09809 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4093–035]

McMahan Hydroelectric L.L.C.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent license.

b. *Project No.:* P–4093–035.

c. *Date filed:* March 30, 2015.

d. *Applicant:* McMahan Hydroelectric L.L.C.

e. *Name of Project:* Bynum Hydroelectric Project.

f. *Location:* On the Haw River, in Chatham County, North Carolina. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Andrew J. McMahan, President, McMahan Hydroelectric L.L.C., 105 Durham Eubanks Road, Pittsboro, NC 27312l; (336) 509–2148; email—*mcmahanhydro@gmail.com.*

i. *FERC Contact:* Sean Murphy at (202) 502–6145; or email at *sean.murphy@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* June 14, 2015.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–4093–035.

m. The application is not ready for environmental analysis at this time.

n. The 600-kilowatt (kW) Bynum project is located on the Haw River, in Chatham County, North Carolina. No federal lands are affected. The principal project works consist of: (1) A 750-foot-long, 10-foot-high stone masonry dam with an uncontrolled spillway and a 150-foot-long non-overflow section; (2) a 2000-foot-long canal, between 25 and 40 feet wide; (3) a powerhouse separate from the dam containing a 600-kW generating unit; (4) a reservoir with a surface area of 20 acres at normal pool elevation of 315 feet mean sea level and a gross storage capacity of 100 acre-feet; and (5) appurtenant facilities. The project operates run-of-river and generates and estimated average of 2,461,000 kW hours a year.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are designating McMahan Hydroelectric L.L.C. as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

q. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance ..	June 2015.
Issue Scoping Document 1 for comments.	July 2015.
Comments on Scoping Document 1 due.	September 2015.
Issue Scoping Document 2 ...	September 2015.
Issue notice of ready for environmental analysis.	September 2015.
Commission issues EA	March 2016.
Comments on EA due	April 2016.
Commission issues final EA	June 2016.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: April 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09839 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7518–018]

Erie Boulevard Hydropower, L.P. and Saint Regis Mohawk Tribe; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Types of Application:* Surrender of License.

b. *Project No.:* 7518–018.

c. *Date Filed:* January 21, 2015.

d. *Applicants:* Erie Boulevard Hydropower, L.P. (Erie) and Saint Regis Mohawk Tribe (Tribe).

e. *Name of Projects:* Hogansburg Hydroelectric Project.

f. *Location:* On the St. Regis River in Franklin County, New York. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* For Erie, Mr. John A. Whittaker, IV, Winston & Strawn LLP, 1700 K Street NW., Washington, DC 20006, Phone: 202–282–5766, Email: *jwhittker@winston.com.* For Tribe: Mr. John J. Privitera, McNamee, Lochner, Titus & Williams, P.C., 677 Broadway, Albany, NY 12207, Phone: 518–447–3200, Email: *privitera@mltw.com.*

i. *FERC Contact:* M. Joseph Fayyad at (202) 502–8759, or email at *mo.fayyad@ferc.gov.*

j. Deadline for filing comments, motions to intervene and protests, is 30 days from the issuance date of this notice. The Commission strongly encourages electronic filing. All documents may be filed using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–7518–018) on any comments, motions to intervene, protests, or recommendations filed.

k. Description of Request: The applicants propose to surrender the license for the Hogansburg Project due to uneconomic conditions resulting from a number of issues regarding project's potential effects on fish passage and water quality that were raised during relicensing proceedings. The applicants have consulted with the relevant state and federal resource agencies and stakeholders and have entered into a Settlement Agreement with those entities endorsing the surrender and decommissioning process. As part of the Surrender, the applicants intend to decommission the project facilities.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. As provided for in 18 CFR 4.34(b)(5)(i), the applicant must file, no later than 60 days following the date of issuance of this notice of acceptance: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: April 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09752 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–22–000]

JBBR Pipeline LLC; Notice of Request for Waiver

Take notice that on March 24, 2015, JBBR Pipeline LLC requested waiver of the verified statement requirements under 18 CFR 342.4(c) that would otherwise require a verified statement in support of initial committed rates, or subsequent contractual adjustments to those rates, filed pursuant to the declaratory order framework approved in Docket No. OR15–3.[1]

Any person desiring to intervene or to protest in this proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on May 6, 2015.

Dated: April 21, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09750 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *JBBR Pipeline LLC,* 150 FERC ¶ 61,012 (2015).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12766–005]

Green Mountain Power Corporation; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No:* 12766–005.

c. *Date Filed:* February 9, 2015.

d. *Applicant:* Green Mountain Power Corporation.

e. *Name of Project:* Clay Hill Road Line 66 Transmission Project.

f. *Location:* The Clay Hill Road Line 66 Transmission Project is located along Clay Hill Road in Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Kim Jones, P.E., Green Mountain Power Corporation, 2152 Post Road, Rutland Town, Vermont 05701; telephone (802) 488–4589.

i. *FERC Contact:* Linda Stewart, telephone (202) 502–6680 or email *linda.stewart@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, or comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include the project number (P–12766–005).

k. Description of Request: Green Mountain Power Corporation (Green Mountain) proposes to delete from the project license a section of the existing 12.5-kilovolt (kV) transmission line. Specifically, the amendment proposal would remove a 3.525-mile-long section of the approximately 6-mile-long transmission line, thereby reducing the total transmission line length to 2.276 miles.

As currently licensed, the 12.5–kV transmission line extends approximately 6 miles from Pole 115, via Pole 62x, to the Quechee substation. Green Mountain plans to interconnect a 150-kilowatt net-metered solar electric generator at Pole 62x. As a result, the 3.525-mile-long section of transmission line from Pole 62x to the Quechee substation would become necessary to transmit power from the solar generation project. Green Mountain, therefore, proposes to delete that section of transmission line from the project license.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the proposed amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: April 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09753 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD15–10–000]

Notice of Intent To Update the Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects and Request for Comments

The staff of the Office of Energy Projects (OEP) is in the process of reviewing its *Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects* (*Guidelines*), dated December 2002, to determine if updates or improvements are appropriate. The staff is asking for public input and suggestions for modifications to the *Guidelines* from federal and state agencies, Native American tribes, environmental consultants, inspectors, natural gas industry, construction

contractors, and other interested parties with special expertise with respect to historic and cultural resources commonly associated with pipeline projects. Please note that this comment period will close on July 20, 2015.

The *Guidelines* are referred to at 18 Code of Federal Regulations (CFR) 380.12(f). Full text of the current version of the *Guidelines* can be viewed on the Federal Energy Regulatory Commission (FERC or Commission) Web site at *http://www.ferc.gov/industries/gas/enviro/guidelines.asp.*

Based on the input received in response to this notice, OEP staff anticipates issuing draft changes to the *Guidelines* by fall 2015, and will make them available for public comment. We will then consider all timely comments on the drafts before issuing the final version.

Interested parties can help us determine the appropriate updates and improvements to make by providing us comments or suggestions that focus on the specific sections requiring clarification, updates to reflect current laws and regulations, or improved measures to avoid or minimize impacts on historic or cultural resources. The more specific your comments, the more useful they will be. A detailed explanation of your submissions and/or any references of scientific studies associated with your comments would greatly help us with this process.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the docket number (AD15–10–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments;

(2) You can file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making, select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

All of the information related to the proposed updates to the *Guidelines* and submitted comments can be found on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* AD15–10). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8258. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: April 21, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09744 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14670–000]

Murphy Dam, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 20, 2015, Murphy Dam, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Murphy Dam Hydroelectric Project (Murphy Dam Project) to be located on the Connecticut River, near Pittsburg, Coos County, New Hampshire. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 100-foot-high, 2,100-foot-long earthen embankment dam; (2) an adjacent 300-foot-long concrete spillway with a stoplog and flashboard crest elevation of 1,385 feet National Geodetic Vertical Datum (NGVD); (3) the existing 2,020-acre Lake Francis with a storage capacity of 96,000 acre-feet; (4) a new 8-foot-diameter, 500-foot-long steel penstock connected to an existing 916-foot-long, steel-lined concrete outlet conduit and concrete intake structure; (5) a new 30-foot-wide, 40-foot long, 20-foot high powerhouse containing one Kaplan turbine-generator unit having a total installed capacity of 3.0 megawatts; (6) a new 30-foot-wide, 10-foot-deep, 100-foot-long, riprap-lined tailrace; (7) a new 1,600-foot-long, 12-kilovolt transmission line connecting the powerhouse to the Public Service of New Hampshire distribution system; and (8) appurtenant facilities. The estimated annual generation of the Murphy Dam Project would be about 12,400 megawatt-hours. The existing Murphy Dam and appurtenant works is owned by the New Hampshire Department of Environmental Services.

Applicant Contact: Mr. Mark Boumansour, Murphy Dam LLC, c/o Gravity Renewables, Inc. 1401 Walnut Street, Suite 220, Boulder, CO 80302; phone: (303) 615–3101; email: *info@gravityrenewables.com.*

FERC Contact: Patrick Crile; phone: (202) 502–8042 or email: *Patrick.Crile@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 Days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888

First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14670–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14670) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 21, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09754 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–88–000]

Tennessee Gas Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Abandonment and Capacity Restoration Project Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Abandonment and Capacity Restoration Project (Project) involving abandonment of facilities by Tennessee Gas Pipeline Company, LLC (Tennessee). The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on May 18, 2015. You may submit comments in written form. Further details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Tennessee provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Tennessee proposes to abandon in place and remove from service approximately 964 miles of Tennessee's existing pipelines that run from Natchitoches Parish, LA, to Columbiana County, Ohio. Tennessee currently operates six parallel pipelines that transport natural gas from the Gulf of Mexico region to the Northeast markets. The proposed Project would occur on Tennessee's existing 100 and 200 Lines. In order to replace capacity that would be lost due to the abandonment, Tennessee would modify and construct certain facilities along the existing pipelines not proposed for abandonment.

Tennessee would abandon in place the following facilities:

- 677 miles of Tennessee's 24-inch-diameter 100–1 Line from Compressor Station 40 in Natchitoches Parish, Louisiana, to Compressor Station 106 in Powel County, Kentucky;
- 77 miles of Tennessee's 26-inch-diameter 100–3 Line from Compressor Station 106 to Compressor Station 200 in Greenup County, Kentucky; and
- 210 miles of Tennessee's 26-inch-diameter 200–3 Line from Compressor Station 200 to MLV 216 in Columbiana County, Ohio, including disconnection of the 200–3 Line from an aerial crossing at either side of the Ohio River headers.

Tennessee would construct and install the following facilities:

- An additional 10,771 horsepower (hp) compressor unit at Compressor Station 875, to be constructed by Tennessee as part of the Broad Run Expansion Project (FERC Docket CP15–77–000) in Madison County, Kentucky;
- Two compressor units at Tennessee's existing Compressor Station 110 in Rowan County, Kentucky, adding 32,000 hp;
- Four new mid-point compressor stations, (Compressor Stations 202.5, 206.5, 211.5, and 216.5), on lines 200–1, 200–2, and 200–4, adding a total of 82,000 hp in Jackson, Morgan, Tuscarawas, and Mahoning counties, Ohio;
- A 7.6-mile-long new pipeline loop[1] in Carter and Lewis Counties, Kentucky to continue Tennessee's Line 100–7; and
- Removal of certain crossovers, taps, valves and miscellaneous pipe, and the relocation and/or installation of new taps to complete the physical separation of the Abandoned Line from Tennessee's retained pipelines.

Land Requirements

Project activities, including abandonment, construction and modification of existing facilities, would disturb about 463 acres of land. Following abandonment and construction activities, Tennessee would maintain about 256.4 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 105.3 acres of land would be disturbed by the construction of new compressor stations in Jackson, Morgan, Tuscarawas, and Mahoning counties, Ohio (60.3 acres would be permanently maintained for operation). Construction of the 7.6-mile-long new pipeline would disturb about 163 acres of land in Carter and Lewis Counties, Kentucky (46.3 acres would be permanently maintained for operation). Land disturbed by modifications to existing compressor stations and removal, relocation and/or installation of crossovers, taps, valves and miscellaneous pipe on Tennessee's existing pipeline would be mostly within Tennessee's existing right-of-way. The general location of the Project is shown in appendix 1.[2]

Future Use of the Abandoned Pipeline Facilities

Following the abandonment of Tennessee's pipeline facilities, if the Commission approves the Project,

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Tennessee indicates that it would complete necessary work to disconnect and transfer the Abandoned Line and associated facilities to Utica Marcellus Texas Pipeline, LLC (UMTP) who would convert the Abandoned Line to natural gas liquids (NGL) products transportation service (UMTP Project). These activities involving future use of the Abandoned Line are not under the FERC's jurisdiction, and therefore, are not subject to the FERC's review procedures. In the EA, we will provide available descriptions of the future use and non-jurisdictional activities, including the UMTP Project, and discuss them in our analysis of cumulative impacts.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA [4]. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office(s) (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before May 18, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP15–88–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for abandonment purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–88). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: April 17, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09746 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14201–001]

Bison Peak Pumped Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 2, 2015, the Bison Peak Pumped Storage, LLC., filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Bison Peak Pumped Storage Project (Bison Peak Project or project) to be located in the Tehachapi Mountains south of Tehachapi, Kern County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would be a closed-loop pumped storage project with an upper reservoir and the applicant has proposed three alternatives for the placement of a lower reservoir, termed ''West,'' ''South,'' and ''East''. Water for the initial fill of each of the alternatives would be obtained from local water agency infrastructure via a route that would be identified during studies.

A ring dam of varying heights and a perimeter of 6,000 feet would form the project's upper reservoir. The upper reservoir would have a total storage capacity of 4,196 acre-feet and a surface area of 45.4 acres at an elevation of 7,800 feet mean sea level (msl) and a concrete lined intake/tailrace facility. The upper reservoir would be connected to one of the three proposed lower reservoir alternatives as described below.

The West lower reservoir alternative would consist of the following: (1) The upper reservoir; (2) a 43-acre lower reservoir at 5,380 feet msl created by a dam with a crest height of 250 feet, crest length of 1,435 feet, and a storage capacity of 5,347 acre-feet; (3) four 10-foot diameter, 5,890-foot-long penstocks from the concrete lined intake/tailrace facility at the upper reservoir; (4) an underground powerhouse with four 250-megawatt (MW) reversible pump-turbines; (5) an intake/tailrace facility; and (6) appurtenant facilities. The estimated annual generation of the Bison Peak Pumped Storage Project West lower reservoir alternative would be about 2,190 gigawatt-hours.

The South lower reservoir alternative proposal would consist of the following: (1) The upper reservoir; (2) a 41.8-acre lower reservoir at 4,875 feet msl created by a dam with a crest height of 260 feet, crest length of up to 1,285 feet, and a storage capacity of 4,616 acre-feet; (3) four 10-foot diameter, 9,420-foot-long penstocks from the concrete lined intake/tailrace facility at the upper reservoir to; (4) an underground powerhouse with four 250-megawatt (MW) reversible pump-turbines; (5) an intake/tailrace facility; and (6) appurtenant facilities. The estimated annual generation of the Bison Peak Pumped Storage Project South lower reservoir alternative would be about 2,190 gigawatt-hours.

The East lower reservoir alternative would consist of the following: (1) The upper reservoir; (2) a 47-acre lower reservoir at 5,800 feet msl created by a dam with a crest height of 320 feet, crest length of 1,150 feet, and a storage capacity of 5,724 acre-feet; (3) three 12-foot diameter, 5,890-foot-long penstocks from the concrete lined intake/tailrace facility at the upper reservoir to; (4) an underground powerhouse with three 250-megawatt (MW) reversible pump-turbines; (5) an intake/tailrace facility; and (6) appurtenant facilities. The estimated annual generation of the Bison Peak Pumped Storage Project East lower reservoir alternative would be about 1,642 gigawatt-hours.

Applicant Contact: Mario Lucchese, Bison Peak Pumped Storage, LLC. 9795 Cabrini Dr., Ste. 206, Burbank, CA 91504; phone: (818) 767–5552.

FERC Contact: Matt Buhyoff; phone: (202) 502–6824.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866)

208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14201–001.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14201) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09840 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No., CD15–23–000]

Los Angeles County Public Works; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On April 14, 2015, Los Angeles County Public Works filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed M7W Pressure Reducing Station Hydroelectric Project would have an installed capacity of 215 kilowatts (kW) and would be located at the Quartz Hill Water Treatment Plant, which treats water for municipal consumption. The project would be located near the Town of Palmdale in Los Angeles County, California.

Applicant Contact: Paul Maselbas, Los Angeles County Public Works, Waterworks Division, 900 S. Freemont Ave., Alhambra, CA 91803, (626) 300–3302.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) an existing 51-foot by 38-foot building, which will serve as the powerhouse; (2) an existing 30-inch-diameter pipe to the treatment plant; (3) one proposed turbine-generator unit with an installed capacity of 215 kW, which will replace pressure reducing valve CV5; (4) an existing 125-foot-long, 30-inch-diameter discharge pipe that delivers potable water to storage tanks for distribution to parts of the City of Palmdale, California and (5) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 730 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	*Description*	*Satisfies (Y/N)*
FPA 30(a)(3)(A), as amended by HREA.	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA.	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference

[1] 18 CFR 385.2001–2005 (2014).

to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*e.g.,* CD15–23000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: April 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09745 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6142–008]

Bradley D. Reeves, Kevin Drone; Notice of Termination of Exemption by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Termination of exemption by implied surrender

b. *Project No.:* 6142–008

c. *Date Initiated:* April 16, 2015

d. *Exemptees:* Bradley D. Reeves and Kevin Drone

e. *Name and Location of Project:* The Dardanelles Creek Hydroelectric Project is located on the Dardanelles and Pond Creeks, in Placer County, California, on federal lands managed by the U.S. Department of the Interior's Bureau of Land Management (BLM) and Bureau of Reclamation (BOR).

f. *Issued Pursuant to:* 18 CFR 4.106 (Standard Article 1 of the Exemption)

g. *Exemptee Contact Information:* Bradley D. Reeves, 6335 Broken Bow Court Foresthill, CA 95631, (916) 887–1443, and Kevin Drone, 22234 Todd Valley Road Foresthill, CA 95631, (530) 863–3643 Or c/o Sackheim Consulting, 5096 Cocoa Palm Way, Fair Oaks, CA 95628, (301) 401–5978.

h. *FERC Contact:* M. Joseph Fayyad, (202) 502–8759, *mo.fayyad@ferc.gov.*

i. Deadline for filing comments, motions to intervene and protests, is 30 days from the issuance date of this notice. The Commission strongly encourages electronic filing. All documents may be filed using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–6142–008) on any comments, motions to intervene, protests, or recommendations filed.

j. Description of Project Facilities: (1) A 5-foot-high by 20-foot-long diversion structure on Dardanelles Creek and a 2-foot-high by 8-foot-long diversion structure on Pond Creek; (2) a 8-inch-diameter, 4,000-foot-long conduit from Dardanelles Creek, and a 2-foot-wide, 2,700-foot-long ditch from Pond Creek; (3) a settling basin, 60-foot-long, 30-foot-wide, and 8-foot-deep; (4) a 6-inch-diameter, 1,660-foot-long penstock; (5) a powerhouse with a single Canyon turbine unit rated at 224 kilowatts (kW), and connected to a Toshiba induction generator rated at 240 kW; and (6) appurtenant facilities.

k. Description of Proceeding: The exemptee is in violation of Standard Article 1 of its exemption, which was granted on October 8, 1982 (21 FERC ¶62,018). Article 1 provides, among other things, that the Commission may terminate an exemption if any term or condition of the exemption is violated.

Commission records show The Dardanelles Creek Hydroelectric Project has been non-operational since before 2009. The project is located on lands managed by the Bureau of Land Management (BLM) and the Bureau of Reclamation (BOR) and has ongoing compliance issues with both agencies. By letter dated September 26, 2011, BLM copied the Commission on a fully executed duplicate original 5-year license (permit to use federal lands) to Mr. Bradley Reeves, exemptee for the project. On October 17, 2011, Mr. Reeves advised the Commission that he had sold the project to Mr. Kevin Drone as of September 15, 2011. By letter dated October 28, 2011, to the new owner, Mr. Drone, the Commission requested the filing of documentation he has the rights to use or occupy the federal lands affected by the project, and a plan and schedule for making the project operational. On March 6, 2012, Mr. Drone filed a letter with the Commission stating he declined the exemption transfer until Mr. Reeves resolves non-compliance and outstanding debt liability issues. Commission, BLM, and BOR staff has tried to contact both parties. The parties have shown no movement towards restoring project operation or removing abandoned equipment, and no longer claim ownership of the project. Last correspondence with Mr. Reeves was returned with no forwarding address. The Commission is pursuing an implied surrender of the exemption due to noncompliance with its Standard Article 1. Doing so will also facilitate the BLM and/or the BOR efforts to pursue legally the current and/or the previous owner of the project.

l. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the Docket number (P–6142–008) excluding the last three digits in the docket number field to access the notice. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments and Protests—Anyone may submit comments, protests or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.211. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified deadline date for the particular proceeding.

o. *Filing and Service of Responsive Documents*—Any filing must (1) bear in all capital letters the title ''COMMENTS, PROTEST, or MOTION TO INTERVE'',

as applicable; (2) set forth in the heading the project number of the proceeding to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, protests, or motion to intervene must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments or protests should relate to project works which are the subject of the termination of exemption. A copy of any protest must be served upon each representative of the exemptee specified in item g above. A copy of all other filings in reference to this notice must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: April 16, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09751 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–3–000]

Mountain Valley Pipeline, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Mountain Valley Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Mountain Valley Pipeline Project (MVP Project) involving construction and operation of natural gas facilities by Mountain Valley Pipeline, LLC (Mountain Valley), a joint venture between affiliates of EQT Corporation and NextEra Energy, Inc., in West Virginia and Virginia. For further details about the project facilities and locations, see ''Summary of the Proposed Project'' below. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before June 16, 2015.

If you sent comments on this project to the Commission before the opening of the docket on October 27, 2014, you will need to re-file those comments in Docket No. PF15–3–000 to ensure they are considered as part of this proceeding. Any comments submitted after the establishment of a project docket do not need to be re-filed.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a Mountain Valley representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before June 16, 2015.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF15–3–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents & Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents & Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. You must select the type of filing you are making. If you are filing a comment on a particular project, please select Comment on a Filing; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public scoping meetings its staff will conduct in the project area, scheduled as follows.

FERC PUBLIC SCOPING MEETINGS—MVP PROJECT

Date and time	Location
Monday, May 4, 2015, 7:00 p.m.	James Monroe High School, Route 1, Lindside, WV 24951.
Tuesday, May 5, 2015, 7:00 p.m.	Eastern Montgomery High School, 4695 Crozier Road, Elliston, VA 24087.
Thursday, May 7, 2015, 7:00 p.m.	Chatham High School, 100 Cavalier Circle, Chatham, VA 24531.
Monday, May 11, 2015, 7:00 p.m.	Robert C. Byrd Center, 992 North Fork Road, Pine Grove, WV 26419.
Tuesday, May 12, 2015, 7:00 p.m.	West Virginia University Jackson's Mill, 160 WVU Jackson Mill, Weston, WV 26452.
Wednesday, May 13, 2015, 7:00 p.m.	Nicholas County High School, 30 Grizzly Road, Summersville, WV 26651.

We [1] will begin our sign-up of speakers one hour prior to the start of each meeting (at 6:00 p.m.). The scoping meetings will begin at 7:00 p.m., with a description of our environmental review process by Commission staff, after which speakers will be called. Each meeting will end once all speakers have provided their comments or when our contracted time for the facility closes. Please note that there may be a time limit of three minutes to present comments, and speakers should structure their comments accordingly. If time limits are implemented, they will be strictly enforced to ensure that as many individuals as possible are given an opportunity to comment. The meetings will be recorded by a stenographer to ensure comments are accurately recorded. Transcripts will be entered into the formal record of the Commission proceeding. The Commission will give equal consideration to all comments received, whether filed in written form or provided verbally at the scoping meeting.

Mountain Valley representatives will be present one hour prior to the start of the scoping meetings to provide additional information about the project and answer questions.

Summary of the Planned Project

The MVP Project would involve the construction and operation of about 294 miles of 42-inch-diameter buried steel pipeline in Wetzel, Harrison, Doddridge, Lewis, Braxton, Webster, Nicholas, Greenbrier, Fayette, Summers, and Monroe Counties, West Virginia and Giles, Montgomery, Roanoke, Franklin, and Pittsylvania Counties in Virginia. The pipeline would originate at Equitrans, L.P.'s existing transmission system in Wetzel County, West Virginia and terminate at the existing Transcontinental Gas Pipeline Company LLC's existing Zone 5 Compressor Station 165 in Pittsylvania County, Virginia. Additional facilities would include 4 new compressor stations in Wetzel, Braxton, and Fayette Counties, West Virginia and Montgomery County, Virginia; 4 new meter stations; 49 main line valves, and 6 pig [2] launchers and/or receivers.

The MVP Project would provide about 2 billion cubic feet of natural gas per day to markets in the Mid-Atlantic and Southeastern United States. The general location of the project facilities are shown in appendix 1.[3]

Land Requirements for Construction

Construction of the planned facilities would disturb about 5,458 acres of land for the pipeline and aboveground facilities, not including temporary access roads which are not yet determined. Following construction, Mountain Valley would maintain about 2,687 acres for permanent operation of the project's facilities, not including permanent access roads; the remaining acreage would be restored and revert to former uses. About 15 percent of the planned pipeline route parallels existing pipeline, utility, and road rights-of-way.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments (including verbal comments presented at the public scoping meetings) during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- Water resources and wetlands;
- Vegetation and wildlife;
- Cultural resources;
- Land use, recreation, and visual resources;
- Socioeconomics;
- Air quality and noise;
- Cumulative impacts; and
- Public safety.

As part of our analysis under the NEPA, we will consider or recommend measures to avoid, minimize, or mitigate impacts on specific resources. We will also evaluate possible alternatives to the planned project or portions of the project. Mountain Valley has proposed a number of alternatives, developed through the company's route selection process or identified by stakeholders, in draft Resource Report 10 filed with the FERC in Docket No. PF15–3–000 on April 14, 2015. During scoping, we are specifically soliciting comments on the range of alternatives for the project.

Although no formal application has been filed, we have already initiated our environmental review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives a formal application from Mountain Valley. During the pre-filing process, we contacted federal and state agencies to discuss their involvement in scoping and the preparation of the EIS.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EIS.[4] Agencies that would like to request cooperating

[1] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[2] A "pig" is an internal tool that the pipeline company inserts into and pushes through the pipeline for cleaning, inspections, or other purposes.

[3] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] The Council on Environmental Quality implementing regulations for the NEPA addresses cooperating agency responsibilities at Title 40, Code of Federal Regulations, Part 1501.6.

agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Department of Agriculture, Forest Service, Jefferson National Forest (USFS); U.S. Army Corps of Engineers, Huntington and Norfolk Districts; U.S. Environmental Protection Agency, Region 3; U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration; West Virginia Department of Natural Resources; and West Virginia Department of Environmental Protection expressed their intention to participate as cooperating agencies in the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute a draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS.

Proposed Actions of the USFS

The USFS is participating as a cooperating agency because the MVP Project would cross the Jefferson National Forest in West Virginia and Virginia. As a cooperating agency, the USFS intends to adopt the EIS per Tile 40 Code of Federal Regulations Part 1506.3 to meet its responsibilities under the NEPA regarding Mountain Valley's planned application to the USFS for a Right-of-Way Grant and Temporary Use Permit for crossing federally administered lands. The USFS additionally will assess how the planned pipeline conforms to the directions contained in the Jefferson National Forest's Land and Resource Management Plan (LRMP). Changes in the LRMP could be required if the pipeline is authorized across the National Forest. The EIS will provide the documentation to support any needed amendments to the LRMP.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Offices, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention in the EIS, from our preliminary review of the planned facilities, environmental information provided by Mountain Valley, and comments by stakeholders. This preliminary list of issues may change based on your comments and our further analyses. These issues include:

- Karst terrain, sinkholes, and caves;
- Domestic water sources, wells, springs, and waterbodies;
- Forested areas;
- Federally-listed threatened and endangered species, including mussels and bats;
- National Register of Historic Places listed Rural Historic Districts and other historic properties;
- Appalachian Trail, Blue Ridge Parkway, and other scenic by-ways;
- Residential developments and property values;
- Tourism and recreation;
- Local infrastructure and emergency response systems;
- Public safety;
- Operational noise from planned compressor stations; and
- Alternatives and their potential impacts on a range of resources.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian tribes and Native American organizations; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who provides a mailing addressed when they submit comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Mountain Valley files its formal application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the e-filing link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status during the pre-filing process. You must wait until the Commission receives a formal application for the project from Mountain Valley, and the FERC issues a Notice of Application.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–3). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific

[5] The Advisory Council on Historic Preservation implementing regulations for the National Historic Preservation Act are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: April 17, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09748 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–169–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on April 13, 2015, Transcontinental Gas Pipe Line Company LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA), to amend the certificate of public convenience and necessity granted by the Commission by order issued on March 19, 2015 in the reference proceeding, which order authorized Transco's Rock Spring Expansion Project (Project). The amendment seeks authorization to amend the Project's certificate to incorporate a minor route modification of approximately 0.69 miles in Lancaster County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Bill Hammons, P.O. Box 1396, Houston, Texas 77251, by telephone at (713) 215–2130.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: April 24, 2015.

Dated: April 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–09838 Filed 4–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Interconnection of the Grande Prairie Wind Farm, Holt County, Nebraska (DOE/EIS–0485)

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Record of Decision.

SUMMARY: Western Area Power Administration (Western) received a request from Grande Prairie Wind, LLC (Grande Prairie Wind), a subsidiary of Geronimo Wind Energy, LLC d.b.a. Geronimo Energy, LLC to interconnect their proposed Grande Prairie Wind Farm (Project) to Western's power transmission system. The proposed interconnection point would be on Western's existing Fort Thompson to Grand Island 345-kilovolt (kV) transmission line, approximately seven miles east of the town of O'Neill in Holt County, Nebraska. The Project would be built on private and State cropland and pasture.

On January 16, 2015, the Notice of Availability (NOA) of the Final Environmental Impact Statement (EIS) for the Interconnection of the Grande Prairie Wind Farm, Holt County, Nebraska (DOE/EIS–0485) was published in the **Federal Register** (80 FR 2414). After considering the environmental impacts, Western has decided to execute an interconnection agreement with Grande Prairie Wind to interconnect the proposed Project to Western's transmission system and to construct, own, and operate a new switchyard adjacent to its Fort Thompson to Grand Island 345-kV transmission line to accommodate that interconnection.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Mr. Rod O'Sullivan, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7260, fax (720) 962–7263, or email: *osullivan@wapa.gov.* For general information on DOE's National Environmental Policy Act (NEPA) review process, please contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756, or email: *askNEPA@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Western is a Federal agency under the U.S. Department of Energy (DOE) that markets and transmits wholesale electrical power through an integrated 17,000-circuit mile, high-voltage transmission system across 15 central and western states. Western's Open Access Transmission Service Tariff (Tariff) provides open access to its electric transmission system. Considering the requester's objectives, Western provides transmission services if there is sufficient available capacity and the reliability of the transmission system is maintained.

Proposed Federal Action

Western's Proposed Federal Action is to execute an interconnection agreement with Grande Prairie Wind to interconnect the proposed Project to Western's transmission system and to construct, own, and operate a new switchyard adjacent to its Fort Thompson to Grand Island 345-kV transmission line to accommodate that interconnection.

Grande Prairie Wind's Proposed Project

Grande Prairie Wind proposes to construct and operate a 400-megawatt (MW) wind energy generation facility in Holt County in northern Nebraska. The proposed Project would interconnect to Western's 345-kV Fort Thompson to Grand Island transmission line at a new switchyard constructed, owned and operated by Western. The Project area would occupy approximately 54,250 acres in portions of Willowdale, Antelope, Grattan, Iowa, Scott, and Steel Creek Townships. Grande Prairie Wind proposes to build up to 266 wind turbines, up to 85 miles of access roads, an underground electrical power collection system, collector substations, a step-up substation, a 14-mile overhead transmission line, meteorological towers, maintenance buildings, and other associated ancillary facilities. Grande Prairie Wind proposes to begin construction as early as spring 2015. The life of the Project is anticipated to be a minimum of 20 years.

Description of Alternatives

Under its Proposed Action Alternative, Western would execute an interconnection agreement with Grande Prairie Wind to interconnect their proposed Project to Western's transmission system and to construct, own, and operate a new switchyard adjacent to its Fort Thompson to Grand Island 345-kV transmission line to accommodate that interconnection. Grande Prairie Wind would construct and operate the 400–MW Project northeast of O'Neill in Holt County, Nebraska.

Under the No Action Alternative, Western would not enter into an interconnection agreement and would not construct a switchyard for the proposed Project interconnection. Although Grande Prairie Wind could still construct and operate their Project, the wind farm would need to rely on different means of power transmission. For purposes of the NEPA analysis, the No Action Alternative assumed the proposed Project would not be built. Western has identified the No Action alternative as its environmentally preferred alternative as there would likely be no new impacts. Grande Prairie Wind's objectives relating to renewable energy development would not be met.

Public Involvement

The public and interested parties were notified of the proposed Project and public comment opportunity through a Notice of Intent published in the **Federal Register** on April 16, 2012 (77 FR 22569). The U.S. Environmental Protection Agency (EPA) published a NOA of the Draft EIS in the **Federal Register** on June 20, 2014 (79 FR 35346). The public comment period closed on August, 4, 2014. On January 16, 2015, the EPA published a NOA of the Final EIS for the Project in the **Federal Register** (80 FR 2414).[1]

Each official notification published in the **Federal Register** was accompanied concurrently by direct mailings of notices to State and Federal agencies, Tribal governments, landholders and interested parties, and widely distributed local notices and advertisements.

Mitigation

The design features, best management practices (BMPs), and avoidance and minimization measures are considered an integral part of the proposed Project to be implemented by Grande Prairie Wind as requirements of their agreements with their construction contractors. These design features, BMPs, and avoidance and minimization measures described in detail in the Final EIS reflect all practicable means to avoid or minimize environmental harm from Grande Prairie Wind's Project and Western's proposed action.

Each resource section in the Final EIS provides specific mitigation measures to address potential impacts of the proposed Project on that resource and can be reviewed in detail in chapter 4 of the Final EIS. Western's decision to execute an interconnection agreement considers Grande Prairie Wind's commitments to implement these design features, BMPs, and avoidance and minimization measures, along with the attendant reduction in environmental impacts that would result from their implementation. A Mitigation Action Plan is not required for Western's proposed action.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 United States Code [U.S.C.] 1531 *et seq.*) requires Federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) on their Federal actions and how they may affect federally listed threatened or endangered species. Western requested concurrence with their Biological Assessment, Formal Conferencing on the Project's effects on Northern Long Eared Bat, and Formal Consultation on the Project's effects on the American Burying Beetle by letter on October 1, 2014. Subsequently, the USFWS issued its Biological Opinion on March 24, 2015, and a separate Conferencing Opinion on March 30, 2015.

[1] The Final EIS can be found on Western's Web site at: *http://www.wapa.gov/ugp/Environment/documents/FEIS_GrandePrairie_2014-12-29.pdf.*

National Historic Preservation Act

Final cultural resource reports and effects determination were sent to the Nebraska State Historical Preservation Officer (SHPO) and were subsequently approved. A Memorandum of Agreement addressing effects to properties on or eligible for listing on the National Register of Historic Places for the preservation of eligible properties was signed by Grand Prairie Wind, the SHPO, and Western on March 25, 2015, in compliance with the National Historic Preservation Act.

Comments on the Final EIS

One comment was received by the U.S. Environmental Protection Agency (EPA). In their February 17, 2015, letter, EPA recommended additional alternatives be considered in Western's future NEPA documents.

Decision

Western's decision is to execute an interconnection agreement with Grande Prairie Wind to interconnect their proposed Project to Western's transmission system and to construct, own, and operate a new switchyard adjacent to its Fort Thompson to Grand Island 345-kV transmission line to accommodate that interconnection.[2] Western's decision to grant this interconnection request satisfies the agency's statutory mission and Grande Prairie Wind's objectives while minimizing harm to the environment. Full implementation of this decision is contingent upon Grande Prairie Wind's obtaining all other applicable permits and approvals as well as executing an interconnection agreement in accordance with Western's Tariff. This decision is based on the information contained in the Interconnection of the Grande Prairie Wind Farm Final EIS. This ROD was prepared pursuant to the requirements of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR parts 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR part 1021).

Dated: April 20, 2015.

Mark A. Gabriel,

Administrator.

[FR Doc. 2015–09938 Filed 4–27–15; 8:45 am]

BILLING CODE 6450–01–P

[2] On November 16, 2011, DOE's Acting General Counsel restated the delegations to Western's Administrator of all the authorities of the General Counsel respecting Environmental Impact Statements.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0811; FRL 9926–56–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Residential Lead-Based Paint Hazard Disclosure Requirements (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Residential Lead-Based Paint Hazard Disclosure Requirements (Renewal),'' identified by EPA ICR No. 1710.07 and OMB Control No. 2070–0151. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is briefly summarized in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on July 24, 2014 (79 FR 71603). With this submission, EPA is providing an additional 30 days for public review.

DATES: Comments must be received on or before May 28, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0811, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To 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 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. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408–M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–554–1404; fax number: 202–564–8251; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 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.*

ICR status: This ICR is currently scheduled to expire on April 30, 2015. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 1018 of the Residential Lead Based Paint Hazard Reduction Act (42 U.S.C. 4852d) requires that sellers and lessors of most residential housing built before 1978 disclose known information on the presence of lead based paint and lead based paint hazards, and provide an EPA approved pamphlet to purchasers and renters before selling or leasing the housing. Sellers of pre-1978 housing are also required to provide prospective purchasers with ten days to conduct an inspection or risk assessment for lead based paint hazards before obligating purchasers under contracts to purchase the property. The rule does not apply to rental housing that has been found to be free of lead-based paint, zero-bedroom dwellings, housing for the elderly, housing for the handicapped, or short term leases.

Responses to the collection of information are mandatory (see 40 CFR part 745, subpart F, and 24 CFR part 35, subpart H). Respondents may claim all

or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form Numbers: None.

Respondents/affected entities: Persons engaged in selling or leasing certain residential dwellings built before 1978, or who are real estate agents representing such parties.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 39,645,600.

Frequency of response: On occasion.

Total estimated burden: 6,467,176 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $125,683,576 per year, includes $0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is a decrease of 470,154 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects a gradual reduction in the annual number of real estate sales involving target housing subject to the rule's requirements and an overall decrease in real estate sales. There has also been a notable decrease in the overall growth of the real estate agent profession which reduces the number of new entrants who have start-up burden and cost related to this ICR activity. While the number of property rentals increased over the past year, fewer parties are involved in those transactions so the increases in the rental market were not enough to offset the decrease in the sales market in terms of burden and cost related to this ICR.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–09847 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2014–0486; FRL 9926–20–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Lead-Based Paint Pre-Renovation Information Dissemination (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted a new information collection request (ICR), ''Lead-Based Paint Pre-Renovation Information Dissemination (Renewal)'' (EPA ICR No. 1669.07, OMB Control No. 2070–0158) 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** (79 FR 78084) on December 29, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A full 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 28, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2014–0486, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by email to *oppt.ncic@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: Colby Lintner, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408–M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–554–1404; email address: *TSCA-Hotline@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 *http://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This information collection involves third-party notification to owners and occupants of housing that will inform such individuals about the dangers of lead-contaminated dust and lead-based paint debris that are sometimes generated during renovations of housing where lead-based paint is present, thereby aiding them in avoiding potentially hazardous exposures and protecting public health. Since young children are especially susceptible to the hazards of lead, owners and occupants with children can take action to protect their children from lead poisonings. Section 406(b) of the Toxic Substances Control Act (TSCA) requires EPA to promulgate regulations requiring certain persons who perform renovations for compensation on target housing to provide a lead hazard information pamphlet (developed under TSCA section 406(a)) to the owner and occupants of such housing prior to beginning the renovation. Further, the firm performing the renovation must keep records acknowledging receipt of the pamphlet on file for three years after completion of work. Those who fail to provide the pamphlet or keep records as required may be subject to both civil and criminal sanctions.

Responses to the collection of information are mandatory (see 40 CFR part 745, subpart E). Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form Numbers: None.

Respondents/affected entities: Certain persons performing renovations of target housing, constructed prior to 1978, for compensation.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 320,504 (total).

Frequency of response: On occasion.

Total estimated burden: 2,577,280 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $140,498,539 per year, includes $0 annualized capital or operation and maintenance costs.

Changes in the Estimates: There is no change in the total estimated respondent

burden compared with that identified in the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–09846 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL9926–89–OW]

Notice of a Public Meeting and Webinar: Input on Potential Actions To Prepare for and Respond to Cyanotoxins in Drinking Water

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a public meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces an opportunity for public input on potential actions states and public water systems can take to prepare for and respond to cyanotoxin health risks in drinking water. The Agency is holding a public meeting for interested parties to provide input either in person or online via a webinar. EPA is preparing Cyanotoxin Health Advisories and seeks to engage with stakeholders on other information the Agency can provide to best support states and public water systems in addressing cyanotoxin public health concerns in drinking water.

DATES: The public meeting will be held on May 11, 2015, from 10:00 a.m. to 5:00 p.m., Eastern Daylight Savings Time. Registration and check-in begins at 9:30 a.m. Persons wishing to attend the meeting in person or online via webinar must register by May 8, 2015, as described in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: The public meeting will be held at Potomac Yard South Building, 1st Floor Conference Center (One Potomac Yard, 2777 S. Crystal Drive, Arlington, VA 22202). All attendees must show government-issued photo identification (*e.g.,* a driver's license) when signing in. Please arrive at least 15 minutes early to allow time to clear security. This meeting will also be simultaneously broadcast as a webinar, available on the Internet.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to receive further information about the public meeting or have questions about this notice should contact Hannah Holsinger at (202) 564–0403 or *holsinger.hannah@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

a. *How may I participate in this meeting/webinar?* Persons wishing to attend the meeting in person or online via the webinar must register in advance no later than 5:00 p.m., Eastern Daylight Savings Time, on May 8, 2015. To register, go online to Eventbrite at *http://us-epa-cyanotoxins-drinking-water-public-meeting.eventbrite.com*. Teleconferencing will be available for individuals participating via the webinar. The number of seats and webinar connections available for the meeting is limited and will be available on a first-come, first-served basis. Early registration is strongly encouraged to ensure proper accommodations. EPA will do its best to include all those interested in either meeting in person or via the webinar.

b. *How can I get a copy of the meeting/webinar materials?* Prior to the public meeting, the meeting materials will be sent by email to the registered attendees; copies will also be available for attendees at the meeting. For persons unable to attend the meeting, please contact Jini Mohanty at *mohanty.jini@epa.gov* to request meeting materials.

c. *Special Accommodations:* Individuals with disabilities who wish to attend the meeting in person can request special accommodations by contacting Jini Mohanty at *mohanty.jini@epa.gov* no later than May 8, 2015.

II. Background

Cyanobacteria are naturally occurring organisms similar to algae. These organisms can occur in fresh water and may rapidly multiply causing ''blooms'' under favorable conditions. Conditions that enhance bloom formation and persistence include light intensity and duration, nutrient availability (such as nitrogen and phosphorus), water temperature, pH and water column stability. Some blooms produce cyanotoxins such as microcystin, cylindrospermopsin and anatoxin-a, which can be a health concern. For additional background information on cyanotoxins in drinking water, please go to: *http://www2.epa.gov/sites/production/files/2014-08/documents/cyanobacteria_factsheet.pdf*.

EPA is developing health advisories for two cyanotoxins: microcystin and cylindrospermopsin. A health advisory is an estimate of acceptable drinking water levels for a contaminant based on health effects and other information, and also provides recommended analytical and treatment techniques. Health advisories are intended to assist federal, state, and local officials and public water system managers in achieving public health goals. A health advisory is not a legally enforceable standard under the Safe Drinking Water Act.

The focus of this public meeting is to gather input on additional information the Agency can provide to states and public water systems to help them prepare for and respond to potential cyanotoxin health concerns in drinking water.

Dated: April 20, 2015.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2015–09891 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2007–0706; FRL–9924–59–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; State Small Business Stationary Source Technical and Environmental Compliance Assistance Programs (SBTCP) Annual Reporting Form (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''State Small Business Stationary Source Technical and Environmental Compliance Assistance Programs (SBTCP) Annual Reporting Form (Renewal)'' (EPA ICR No. 1748.10, OMB Control No. 2060–0337) 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 May 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 73576) on December 11, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before May 28, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OA–2007–0706, 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: Paula Hoag, Office of Small Business Programs, (1230A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–2496; fax number 202–566–0266; email address: *hoag.paula@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: As part of the Clean Air Act Amendments of 1990, the U.S. Congress required that each state establish a Small Business Stationary Source Technical and Environmental Compliance Assistance Program to assist small business in compliance with the Act. These programs are generally known as Small Business Environmental Assistance Programs (SBEAPs). EPA's Small Business Ombudsman must oversee the overall 507 program and be able to provide the Congress with periodical reports on the effectiveness, difficulties encountered and other relevant information about the program. Each state will submit requested information to EPA for compilation and summarization. This collection of information will assist the EPA Ombudsman with its requirement to monitor the effectiveness of small businesses as authorized under section 507(a), (d) and (e) of the Clean Air Act as amended in 1990, Public Law 101–549, November 15, 1990. Information that is collected is aggregated and is not of a confidential nature. None of the information collected by this action results in/or requests sensitive information of any nature from the states.

Form Numbers: 6500–03.

Respondents/affected entities: State and/or state appointed entities of the 507 program.

Respondent's obligation to respond: Mandatory (section 507, parts (a), (d) and (e)).

Estimated number of respondents: 53 (total).

Frequency of response: Annual.

Total estimated burden: 2,120 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $112,106 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change of hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–09853 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2014–0735; FRL–9924–76]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: ''Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances'' and identified by EPA ICR No. 0574.17 and OMB Control No. 2070–0012, represents the renewal of an existing ICR that is scheduled to expire on December 31, 2015. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before June 29, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0735, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Greg Schweer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8469; email address: *schweer.greg@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. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances.

ICR number: EPA ICR No. 0574.17.

OMB control number: OMB Control No. 2070–0012.

ICR status: This ICR is currently scheduled to expire on December 31, 2015. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 5 of the Toxic Substances Control Act (TSCA) requires manufacturers (defined by TSCA to include importers) of new chemical substances to submit to EPA notice of intent to manufacture a new chemical substance 90 days before manufacture begins. EPA reviews the information contained in the notice to evaluate the health and environmental effects of the new chemical substance. On the basis of the review, EPA may take further regulatory action under TSCA, if warranted. If EPA takes no action within 90 days, the submitter is free to manufacture the new chemical substance without restriction.

TSCA section 5 also authorizes EPA to issue Significant New Use Rules (SNURs). EPA uses this authority to take follow-up action on new or existing chemicals that may present an unreasonable risk to human health or the environment if used in a manner that may result in different and/or higher exposures of a chemical to humans or the environment. Once a use is determined to be a significant new use, persons must submit a notice to EPA 90 days before beginning manufacture or processing of a chemical substance for that use. Such a notice allows EPA to receive and review information on such a use and, if necessary, regulate the use before it occurs. Finally, TSCA section 5 also permits applications for exemption from section 5 review under certain circumstances. An applicant must provide information sufficient for EPA to make a determination that the circumstances in question qualify for an exemption. In granting an exemption, EPA may impose appropriate restrictions. This information collection addresses the reporting and recordkeeping requirements associated with TSCA section 5.

Responses to the collection of information are mandatory (see 40 CFR parts 700, 720, 721, 723 and 725). Respondents may claim all or part of a document confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to range between 0.725 hours and 508 hours per response, depending upon the type of response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are companies that manufacture or process chemical substances.

Estimated total number of potential respondents: 372.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 11.3.

Estimated total annual burden hours: 102,846 hours.

Estimated total annual costs: $35,722,737. This includes an estimated burden cost of $35,722,737 and an estimated cost of $0 for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 14,316 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's revision of the expected number of annual submissions, from 2,126 to 1,907, with a corresponding decrease in the associated burden. This change is an adjustment.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 19, 2015.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2015–09882 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2011–0748; FRL–9924–62–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Monthly Progress Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Monthly Progress Reports (Renewal)'' (EPA ICR No. 1039.14, OMB Control No. 2030–0005) 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 May 31, 2015. Public comments were previously requested via the **Federal Register** (80 FR 6703) 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 28, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OARM–2011–0748, 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: Thomas Valentino, Policy Training and Oversight Division, Office of Acquisition Management, (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–4522; email address: *valentino.thomas@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: Government surveillance of contractor performance is required to give reasonable assurance that efficient methods and effective cost controls are being used for various cost-reimbursable and fixed-rate contracts. Per 48 CFR 1552.211 regulations, the Agency on a monthly basis requires contractors to provide the Contracting Officer's Representative (COR) with a report detailing: a) what was accomplished on the contract for that period, b) expenditures for the same period of time, and c) what is expected to be accomplished on the contract for the next month. Responses to the information collection are mandatory for contractors and are required for the contractors to receive monthly payments.

Form Numbers: 1900–68.

Respondents/affected entities: Private contractors.

Respondent's obligation to respond: Mandatory (48 CFR 1552.211).

Estimated number of respondents: 266 (total).

Frequency of response: Monthly.

Total estimated burden: 77,406 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $7,207,568 (per year), includes $39,900 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 16,506 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to an increase in the number of contracts that are being awarded.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–09837 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0078; FRL–9923–84]

Notice of Availability of Work Plan Chemical Problem Formulation and Initial Assessment for 1,4-Dioxane; Request for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: With this notice, EPA is announcing that it will be publishing a problem formulation and initial assessment or data needs assessment document for each TSCA Work Plan Chemical prior to conducting further risk analysis. This notice is also announcing the availability of a problem formulation and initial assessment document for the Work Plan Chemical 1,4-Dioxane and opening the 60-day public comment period for the document. Based on experience in conducting TSCA Work Plan Chemical assessments to date and stakeholder feedback, starting in 2015 EPA will publish a problem formulation and initial assessment or data needs assessment for each TSCA Work Plan Chemical as a stand-alone document to facilitate public and stakeholder input prior to conducting further risk analysis. EPA believes publishing problem formulations and initial assessments for TSCA Work Plan Chemicals will increase transparency about EPA's thinking and analysis process, provide opportunity for the public and stakeholders to comment on EPA's approach and provide the opportunity to receive additional information/data to supplement or refine the assessment approach prior to EPA conducting detailed risk analysis and risk characterization.

DATES: Comments must be received on or before June 29, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0078, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Stanley Barone, Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–1169; email address: *barone.stan@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a

wide range of stakeholders including those interested in environmental and human health; the chemical industry; chemical users; consumer product companies and members of the public interested in the assessment of chemical risks. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

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

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

II. What action is the Agency taking?

EPA is announcing that it will be publishing a problem formulation and initial assessment or data needs assessment document for each TSCA Work Plan Chemical prior to conducting further risk analysis. Based on experience in conducting TSCA Work Plan Chemical assessments to date and stakeholder feedback, starting in 2015 EPA will publish a problem formulation and initial assessment or data needs assessment document for each TSCA Work Plan Chemical as a stand-alone document. A problem formulation and initial assessment document will serve to inform the public and other interested stakeholders about EPA's initial scoping of findings and plan for any further risk assessment. Problem formulation and initial assessment is the analytical phase of the assessment in which the purpose for the assessment is articulated, the problem defined and a plan for analyzing and characterizing risk is determined.

Outcomes of a problem formulation and initial assessment are: (a) Conceptual Model—including a visual representation and written description of actual or predicted relationships between chemicals and human or wildlife; (b) Analysis Plan—describing the intentions regarding the technical aspects of the risk assessment. In some instances, as a result of problem formulation and initial assessment, EPA identifies data gaps (uses, exposure pathways, toxicity data) so significant as to prevent conducting a meaningful risk assessment. In these cases, EPA will publish a Data Needs Assessment document and provide opportunity for the public and stakeholders to comment, identify or provide data or information that may fill identified data gaps prior to EPA pursing data collection via TSCA authorities.

To facilitate public and stakeholder input prior to conducting further risk analysis, EPA will open a public docket for receiving comments, data or information from interested stakeholders when it publishes each problem formulation and initial assessment or data needs assessment document. EPA believes publishing problem formulation and initial assessment documents for TSCA Work Plan Chemicals will increase transparency of EPA's thinking and analysis process, provide opportunity for the public and stakeholders to comment on EPA's approach and provide additional information or data to supplement or refine assessment approaches prior to EPA conducting detailed risk analysis and risk characterization. Following receipt of comments on the problem formulation and initial assessment document and consideration of any additional data or information received, EPA will initiate a risk assessment which is the process to estimate the nature and probability of adverse health and environmental effects in humans and ecological receptors from chemical contaminants that may be present in the environment.

EPA is also announcing the availability of the TSCA Work Plan Chemical Problem Formulation and Initial Assessment for 1,4-Dioxane for public comment. 1,4-Dioxane is the first chemical for which EPA is releasing a problem formulation and initial assessment document under the TSCA Work Plan Chemical Assessment Program. 1,4-Dioxane is a chemical that is used primarily as a solvent in the manufacture of other chemicals. 1,4-Dioxane is also found as an impurity in anti-freeze and aircraft deicing fluids and in some consumer products [deodorants, shampoos, and cosmetics] (ATSDR 2012; EPA 2006; Mohr 2001). During problem formulation and initial assessment, EPA reviewed previous assessments by EPA and other organizations and additional published studies on the exposure and hazard of 1,4-Dioxane. EPA examined likely exposure and hazard scenarios based on current production, use, and fate information to identify scenarios amenable to a risk analysis. The data available and scenarios evaluated for conducting a risk assessment are provided in EPA's TSCA Work Plan Chemical Problem Formulation and Initial Assessment for 1,4-Dioxane. The conclusions of the problem formulation and initial assessment are: (a) EPA will further assess potential risks to workers exposed during product formulation and use as a cleaning agent; (b) EPA will further assess potential risks to workers and consumers exposed during the use of TSCA-use products that contain 1,4-Dioxane as a contaminant, such as paints, varnishes, adhesives, cleaners and detergents; (c) Risk to the general population through inhalation exposure to ambient air emissions is estimated to be low; (d) An assessment of risk from exposure through drinking water is not needed at this time because 1,4-Dioxane is currently being monitored and EPA will determine whether or not regulatory action is needed as part of its Regulatory Determination Process; (e) Based on the low hazard profile for 1,4-Dioxane to aquatic organisms, risks to these organisms are expected to be low. EPA does not have the hazard data needed to determine if there are risks to sediment and soil organisms. Therefore, further analysis of environmental risk is not planned. EPA plans to review and evaluate the results of previous exposure assessments and health benchmarks for this chemical. As a result, EPA/OPPT will develop margins of exposure and cancer risk estimates to evaluate the potential risks from worker and consumer exposure to 1,4-Dioxane. Use the docket ID number: EPA–HQ–OPPT–2015–0078 to locate a copy of the 1,4-Dioxane problem formulation and initial assessment document, as well as to submit comments via *http://www.regulations.gov.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 21, 2015.

Wendy C. Hemnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2015–09888 Filed 4–27–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0519]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 29, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0519.

Title: Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, CG Docket No. 02–278.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions.

Number of Respondents and Responses: 34,948 respondents; 147,368,997 responses.

Estimated Time per Response: .004 hours (15 seconds) to 1 hour.

Frequency of Response: Recordkeeping requirement; Annual, on occasion and one-time reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found in the Telephone Consumer Protection Act of 1991 (TCPA), Public Law 102–243, December 20, 1991, 105 Stat. 2394, which added section 227 of the Communications Act of 1934, [47 U.S.C. 227] Restrictions on the Use of Telephone Equipment.

Total Annual Burden: 666,138 hours.

Total Annual Cost: $2,745,000.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB–1, ''Informal Complaints and Inquiries.'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 ''Informal Complaints, Inquiries, and Requests for Dispute Assistance'', in the **Federal Register** on August 15, 2014 (79 FR 48152) which became effective on September 24, 2014. A system of records for the do-not-call registry was created by the Federal Trade Commission (FTC) under the Privacy Act. The FTC originally published a notice in the **Federal Register** describing the system. *See* 68 FR 37494, June 24, 2003. The FTC updated its system of records for the do-not-call registry in 2009. *See* 74 FR 17863, April 17, 2009.

Privacy Impact Assessment: Yes.

Needs and Uses: The reporting requirements included under this OMB Control Number 3060–0519 enable the Commission to gather information regarding violations of section 227 of the Communications Act, the Do-Not-Call Implementation Act (Do-Not-Call Act), and the Commission's implementing rules. If the information collection was not conducted, the Commission would be unable to track and enforce violations of section 227 of the Communications Act, the Do-Not-Call Act, or the Commission's implementing rules. The Commission's implementing rules provide consumers with several options for avoiding most unwanted telephone solicitations.

The national do-not-call registry supplements the company-specific do-not-call rules for those consumers who wish to continue requesting that particular companies not call them. Any company that is asked by a consumer, including an existing customer, not to call again must honor that request for five (5) years.

A provision of the Commission's rules, however, allows consumers to give specific companies permission to call them through an express written agreement. Nonprofit organizations, companies with whom consumers have an established business relationship, and calls to persons with whom the telemarketer has a personal relationship are exempt from the ''do-not-call'' registry requirements.

On September 21, 2004, the Commission released the *Safe Harbor Order* establishing a limited safe harbor in which persons will not be liable for placing autodialed and prerecorded message calls to numbers ported from a wireline service within the previous 15 days. The Commission also amended its existing National Do-Not-Call Registry safe harbor to require telemarketers to scrub their lists against the Registry every 31 days.

On December 4, 2007, the Commission released the *DNC NPRM* seeking comment on its tentative conclusion that registrations with the Registry should be honored indefinitely, unless a number is disconnected or reassigned or the consumer cancels his registration.

On June 17, 2008, in accordance with the Do-Not-Call Improvement Act of 2007, the Commission revised its rules to minimize the inconvenience to consumers of having to re-register their preferences not to receive telemarketing calls and to further the underlying goal of the National Do-Not-Call Registry to protect consumer privacy rights. The Commission released a *Report and Order* in CG Docket No. 02–278, FCC 08–147, amending the Commission's rules under the Telephone Consumer Protection Act (TCPA) to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry so that registrations will not automatically expire based on the current five year registration period. Specifically, the Commission modified section 64.1200(c)(2) of its rules to require sellers and/or telemarketers to honor numbers registered on the Registry indefinitely or until the number is removed by the database

administrator or the registration is cancelled by the consumer.

On February 15, 2012, the Commission released a *Report and Order* in CG Docket No. 02–278, FCC 12–21, revising its rules to: (1) require prior express written consent for all autodialed or prerecorded telemarketing calls to wireless numbers and for all prerecorded telemarketing calls to residential lines; (2) eliminate the established business relationship exception to the consent requirement for prerecorded telemarketing calls to residential lines; (3) require telemarketers to include an automated, interactive opt-out mechanism in all prerecorded telemarketing calls, to allow consumers more easily to opt out of future robocalls during a robocall itself; and (4) require telemarketers to comply with the 3% limit on abandoned calls during each calling campaign, in order to discourage intrusive calling campaigns.

Finally, the Commission also exempted from the Telephone Consumer Protection Act requirements prerecorded calls to residential lines made by health care-related entities governed by the Health Insurance Portability and Accountability Act of 1996.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–09799 Filed 4–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Downloadable Security Technology Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Downloadable Security Technology Advisory Committee (DSTAC) will hold meetings on May 13, 2015, July 7, 2015, and August 4, 2015. At the May and July meetings, the committee will discuss Working Group reports and any other topics related to the DSTAC's work that may arise. At the August meeting, the committee will discuss and consider a full draft report and any other topics related to the DSTAC's work that may arise.

DATES: May 13, 2015; July 17, 2015; August 4, 2015.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Brendan Murray, *Brendan.Murray@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–1573 or Nancy Murphy, *Nancy.Murphy@fcc.gov,* of the Media Bureau, (202) 418–1043.

SUPPLEMENTARY INFORMATION: The meetings will be held on May 13, 2015, July 7, 2015, and August 4, 2015, from 10:00 a.m. to 4:00 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street SW., Washington, DC 20554.

The DSTAC is a Federal Advisory Committee that will ''identify, report, and recommend performance objectives, technical capabilities, and technical standards of a not unduly burdensome, uniform, and technology- and platform-neutral software-based downloadable security system.''

The meetings on May 13, 2015, July 7, 2015, and August 4, 2015 will be the fourth, fifth, and sixth meetings of the DSTAC. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the Internet from the FCC's Web page at *http://www.fcc.gov/live.* The public may submit written comments before the meeting to Brendan Murray, DSTAC Designated Federal Officer, by email to *DSTAC@fcc.gov* or by U.S. Postal Service Mail to 445 12th Street SW., Room 4–A726, Washington, DC 20554.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–09783 Filed 4–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0986]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before June 29, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0986.

Title: Competitive Carrier Line Count Report and Self-Certification as a Rural Carrier.

Form Number: FCC Form 481, FCC Form 505, FCC Form 507, FCC Form 508, FCC Form 509, and FCC Form 525.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 1,957 respondents; 12,885 responses.

Estimated Time per Response: .5 hours to 100 hours.

Frequency of Response: On occasion, quarterly and annual reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 266,868 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Nature and Extent of Confidentiality: We note that USAC must preserve the confidentiality of all data obtained from respondents; must not use the data except for purposes of administering the universal service programs; and must not disclose data in company-specific form unless directed to do so by the Commission.

Needs and Uses: On November 18, 2011, the Commission released an order reforming its high-cost universal service support mechanisms. Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*); and the Commission and Wireline Competition Bureau have since adopted a number of orders that implement the *USF/ICC Transformation Order;* see also Connect America Fund *et al.*, WC Docket No. 10–90 *et al.*, Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); Connect America Fund *et al.*, WC Docket No. 10–90 *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur. 2012); Connect America Fund *et al.*, WC Docket No. 10–90 *et al.*, Fifth Order on Reconsideration, 27 FCC Rcd 14549 (2012); Connect America Fund *et al.*, WC Docket No. 10–90 *et al.*, Order, 28 FCC Rcd 2051 (Wireline Comp. Bur. 2013); Connect America Fund *et al.*, WC Docket No. 10–90 *et al.*, Order, 28 FCC Rcd 7227 (Wireline Comp. Bur. 2013). The Commission has received OMB approval for most of the information collections required by these orders. At a later date the Commission plans to submit additional revisions for OMB review to address other reforms adopted in the orders (*e.g.,* 47 CFR 54.313(a)(11)). The revision proposed here contains information collection requirements already reviewed and approved by OMB. Specifically, the Commission proposes to merge the existing universal service information collection requirements from OMB Control No. 3060–1188 into this control number. The Commission proposes to add FCC Form 505, currently approved under collection 3060–1188, to this information collection. There are no changes to the currently approved FCC Form 505. The Commission also proposes certain changes to FCC Form 481 and its instructions as a result of merging the information collection requirements contained in 3060–0986 and 3060–1188. These changes include revising FCC Form 481 and its instructions to incorporate the certifications and census block data collection requirements for certain recipients of Connect America Phase I incremental support that are currently approved under collection 3060–1188. The Commission also proposes to reduce the number of respondents for reporting and certification requirements related to Connect America Phase I incremental support to reflect the number of price cap carriers that actually accepted such support. Once the Commission receives OMB approval to merge the requirements contained in 3060–1188 under this control number, the Commission will discontinue 3060–1188.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–09798 Filed 4–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Petition No. P2–15]

Petition of the National Customs Brokers and Forwarders Association of America, Inc. for Initiation of Rulemaking; Notice of Filing and Request for Comments

Notice is hereby given that the National Customs Brokers and Forwarders Association of America, Inc. (''Petitioner''), has petitioned the Commission pursuant to 46 CFR 502.51, 502.74 and 502.76 of the Commission's Rules of Practice and Procedure, to initiate a rulemaking to revise the Commission's regulations in 46 CFR part 532, NVOCC Negotiated Rate Arrangements (NRAs) to: (1) allow inclusion of economic terms beyond rates in NRAs, and (2) permit NRAs to be modified at any time upon mutual agreement between a Non-Vessel-Operating Common Carrier (NVOCC) and shipper; and revise 46 CFR part 531, NVOCC Negotiated Service Arrangements (NSAs), to either eliminate the filing and essential terms publication requirement of NSAs or eliminate 46 CFR part 531 in its entirety.

In order for the Commission to make a thorough evaluation of the Petition, interested persons are requested to submit views or arguments in reply to the Petition no later than June 8, 2015. Commenters must send an original and 5 copies to the Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, and be served on Petitioner's counsel, Edward D. Greenberg, GKG Law, P.C., 1055 Thomas Jefferson Street NW., Suite 500, Washington, DC 20007. A PDF copy of the reply must also be sent as an attachment to *Secretary@fmc.gov.*

If the reply contains confidential information, the confidential filing should not be submitted by email. A confidential filing must be submitted to the Secretary in hard copy only, and be accompanied by a transmittal letter that identifies the filing as ''Confidential-Restricted'' and describes the nature and extent of the confidential treatment requested. The material for which confidentiality is claimed should be clearly marked on each page. A public

version must also be filed that excludes the confidential materials, and must indicate on the cover page and on each affected page ''Confidential materials excluded.'' The Commission will provide confidential treatment to the extent allowed by law for confidential submissions, or parts of submissions, for which confidentiality has been requested. The Petition will be posted on the Commission's Web site at *http://www.fmc.gov/p2-15.* Replies filed in response to the Petition will also be posted on the Commission's Web site at this location.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–09833 Filed 4–27–15; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Relations Information Collection Requests

AGENCY: Federal Mediation and Conciliation Service.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), as part of its continuing effort to reduce paperwork burden of arbitrators and parties that request arbitration services in accordance with the Paperwork Reduction Act of 1995, invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection requests. The information collection requests are FMCS forms: Arbitrator's Report and Fee Statement (Agency Form R–19), Arbitrator's Personal Data Questionnaire (Agency Form R–22), and Request for Arbitration Panel (Agency Form R–43). These information collection requests were previously approved by the Office of Management Budget (OMB), and we are requesting a reinstatement without change to the collections. These information collection requests were assigned the OMB control numbers 3076–0001, 3076–0002, and 3076–0003.

DATES: Comments must be submitted on or before June 29, 2015.

ADDRESSES: Submit written comments by mail to the Office of Arbitration Services, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427 or by contacting the person whose name appears under the section headed **FOR FURTHER INFORMATION CONTACT**.

Comments may be submitted also by fax at (202) 606–3749 or electronic mail (email) to *arbitration@fmcs.gov.* All comments must be identified by the appropriate agency form number.

No confidential business information (CBI) should be submitted through email. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as ''CBI''. Information so marked will not be disclosed but a copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Room 704 at the Washington, DC address above from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Arthur Pearlstein, Director of Arbitration Services, FMCS, 2100 K Street NW., Washington, DC 20427. Telephone (202) 606–5111; Fax (202) 606–3749.

SUPPLEMENTARY INFORMATION: Copies of each of the agency forms are available from the Office of Arbitration Services by calling, faxing or writing to Arthur Pearlstein at the address above. Please ask for the form by title and agency form number.

I. Information Collection Requests

FMCS is seeking comments on the following information collection requests contained in FMCS agency forms.

Agency: Federal Mediation and Conciliation Service.

Form Number: OMB No. 3076–0001.

Name of Form: Arbitrator's Personal Data Questionnaire (FMCS form R–22).

Type of Request: Reinstatement of a collection without change in the substance or method of collection.

Affected Entities: Individuals who apply for admission to the FMCS Roster of Arbitrators.

Frequency: Individuals complete this form once, which is at the time of application to the FMCS Roster of Arbitrators.

Abstract: Title II of the Labor Management Relations Act of 1947 (Pub. L. 90–101) as amended in 1959 (Pub. L. 86–257) and 1974 (Pub. L. 93–360), states that it is the labor policy of the United States that ''the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes'' 29 U.S.C. 201(b). Under its regulations at 29 CFR part 1404, FMCS has established policies and procedures for its arbitration function dealing with all arbitrators listed on the FMCS Roster of Arbitrators, all applicants for listing on the Roster, and all person or parties seeking to obtain from FMCS either names or panels of names of arbitrators listed on the Roster in connection with disputes which are to be submitted to arbitration or fact-finding. FMCS strives to maintain the highest quality of dispute resolution experts on its Roster. To ensure that purpose, it asks all candidates to complete an application form. The purpose of this collection is to gather information about applicants for inclusion in the Roster of Arbitrators. This collection is needed to evaluate applicants and to select among the applicants highly qualified individuals for inclusion on the Roster. Without this collection, FMCS will be unable to maintain or expand its Roster. The respondents are private citizens who make application for appointment to the Roster.

Burden: The number of respondents is approximately 100 individuals per year, which is the approximate number of individuals who request membership on the FMCS Roster. The time required to complete this questionnaire is approximately one hour. Each respondent is required to respond only once per application and to update the information as necessary.

Agency: Federal Mediation and Conciliation Service

Form Number: OMB No. 3076–0003

Name of Form: Arbitrator's Report and Fee Statement (FMCS Form R–19)

Type of Request: Reinstatement of a collection without change in the substance or method of collection.

Affected Entities: Individual arbitrators who render decisions under FMCS arbitration policies and procedures.

Frequency: This form is completed each time an arbitrator hears an arbitration case and issues a decision.

Abstract: Pursuant to 29 U.S.C. 171(b) and 29 CFR part 1404, FMCS assumes a responsibility to monitor the work of the arbitrators who serve on its Roster.

This is satisfied by requiring the completion and submission of a Report and Fee Statement, which indicates when the arbitration award was rendered, the file number, the company and union, the issues, whether briefs were filed and transcripts taken, if there were any waivers by parties on the date the award was due, and the fees and days for services of the arbitrator. FMCS publishes this information in the agency's annual report, to inform the public about the arbitration services program and certain national trends in arbitration.

Burden: FMCS receives approximately 1,984 responses per year. The form is filled out each time an arbitrator hears a case and the time required is approximately ten minutes. FMCS uses this form to review arbitrator conformance with its fee and expense reporting requirements.

Agency: Federal Mediation and Conciliation Service

Form Number: OMB No. 3076–0002

Type of Request: Reinstatement of a collection without change in the substance or method of collection.

Name of Form: Request for Arbitration Panel (FMCS Form R–43)

Affected Entities: Employers and their representatives, and labor unions, their representatives and employees, who request arbitration services.

Frequency: This form is completed each time an employer or labor union requests a panel of arbitrators.

Abstract: Pursuant to 29 U.S.C. 171(b) and 29 CFR part 1404, FMCS offers panels of arbitrators for selection by labor and management to resolve grievances and disagreements arising under their collective bargaining agreements and to deal with fact finding and interest arbitration issues as well. This form is used to obtain information such as the parties' names, addresses, and the type of assistance needed. FMCS uses this information to compile panels, selecting arbitrators based in part on such factors as dispute location and issue expertise. The purpose of this information collection is to facilitate the processing of the parties' request for arbitration assistance. No third party notification or public disclosure burden is associated with this collection.

Burden: The current total annual burden estimate is that FMCS will receive requests from approximately 13,179 respondents per year. The form takes about 10 minutes to complete.

II. Request for Comments

FMCS solicits comments to:

(i) Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(ii) Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

III. The Official Record

The official record is the paper electronic record maintained at the address at the beginning of this document. FMCS will transfer all electronically received comments into printed-paper form as they are received.

List of Subjects

Labor-Management Relations, Employee Management Relations, and Information Collection Requests.

Dated: April 23, 2015.

Jeannette Walters-Marquez,

Attorney Advisor.

[FR Doc. 2015–09831 Filed 4–27–15; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 22, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Wintrust Financial Corporation,* Rosemont, Illinois; to merge with Suburban Illinois Bancorp, Inc., and thereby indirectly acquire voting shares of Suburban Bank & Trust Company, both in Elmhurst, Illinois.

B. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Connections Bancshares, Inc.,* Ashland, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Calvert Financial Corporation, and thereby indirectly acquire voting shares of Mainstreet Bank, both in Ashland, Missouri.

Board of Governors of the Federal Reserve System, April 23, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–09848 Filed 4–27–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0262; Docket 2015–0001; Sequence 9]

General Services Administration Acquisition Regulation; Information Collection; Identification of Products With Environmental Attributes

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension of a previously existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding identification of products with environmental attributes.

DATES: Submit comments on or before: June 29, 2015.

ADDRESSES: Submit comments identified by Information Collection

3090–0262, Identification of Products with Environmental Attributes, by any of the following methods:

• Regulations.gov: *http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by inputting ''Information Collection 3090–0262, Identification of Products with Environmental Attributes'', under the heading ''Enter Keyword or ID'' and selecting ''Search''. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0262, Identification of Products with Environmental Attributes''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0262, Identification of Products with Environmental Attributes'' on your attached document.

• Fax: 202–501–4067.

• Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–0262, Identification of Products with Environmental Attributes.

Instructions: Please submit comments only and cite Information Collection 3090–0262, Identification of Products with Environmental Attributes, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy Division, GSA, at telephone 202–357–9652 or via email to *dana.munson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration (GSA) requires contractors holding Multiple Award Schedule Contracts to identify in their GSA price lists those products that they market commercially that have environmental attributes in accordance with GSAR clause 552.238–72. The identification of these products will enable Federal agencies to maximize the use of these products and meet the responsibilities expressed in statutes and executive orders.

B. Annual Reporting Burden

Respondents: 9,000.
Responses per Respondent: 1.
Annual Responses: 9,000.
Hours per Response: 1.
Total Burden Hours: 9,000.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0262, Identification of Products with Environmental Attributes, in all correspondence.

Dated: April 21, 2015.

Jeffrey A. Koses,

Senior Procurement Executive, Director, Office of Acquisition Policy.

[FR Doc. 2015–09844 Filed 4–27–15; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

[Notice–IDMO–2015–01; Docket No. 2015–0002; Sequence 7]

GSA's Digital Innovation and Strategy Hack-A-Thon

AGENCY: General Services Administration (GSA), GSA IT, Office of Digital Innovation and Strategy.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce a software programming and data innovation competition hosted by GSA's Office of Digital Innovation and Strategy that will be held on May 8, 2015. The competition details can be viewed at *http://open.gsa.gov/Digital-Innovation-Hackathon/*. The goal of this competition is to ask the public and academia to develop smart technology solutions in the form of an application, Application Programming Interface (API), and/or data mashup that has the capability to providing GSA with key insights and recommendations for future enhancements. GSA will challenge software developers and designers to create a solution using sample GSA data.

DATES: Registration for the event will close Tuesday, May 5, at 11:59 p.m. Eastern Standard Time (EST). The competition will be open on Friday, May 8, 2015 from 9:00 a.m. until 4:30 p.m. Eastern Standard Time (EST).

ADDRESSES: *Registration:* Registration for this event will be accomplished online at the following link: *https://www.eventbrite.com/e/us-general-services-administration-gsa-hack-a-thon-tickets-15637828165*. The event space is limited to the first 120 people; once registration is complete, participants will receive a confirmation email.

Event Location: 1800 F Street NW., Washington, DC 20405, Conference Center. A government-issued ID shall be required to gain access into the building. All participants must enter through the main entrance located on 18th Street.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy A. Smith at *cindya.smith@gsa.gov* or 816–823–5291.

SUPPLEMENTARY INFORMATION:

Purpose: In this competition, the public is asked to develop a technology-driven solution using GSA data that allows an agency to identify opportunities for improvements and transparency. As such, GSA challenges the public to create a solution using GSA data that could be replicated across government to every agency, using their own data. Sample data sets with GSA data will be provided.

Details of Challenge: Design and create a digital interactive solution in the form of an application, Application Programming Interface (API), and/or data mashup that utilizes federal data collected by GSA. The technology solution should be innovative! GSA does not want an analysis tool that tells what is already known. This should be a forward-thinking solution that enhances transparency.

The solution should be a data-driven solution to provide meaningful insights that can help drive smarter decisions by federal employees. The ultimate goal is to help federal agencies use data to its fullest, share data with all agencies, and become transparent to the American Public.

The solution should accomplish two tasks:

1. Visually display or transmit data in a way that will enhance the way GSA works; and

2. Through analysis of the data identify relationships if they exist, and provide valuable insights that could be gained through improved data collection efforts.

GSA will assign teams randomly based on the number of participants on the day of the event. No pre-determined team arrangements will be permitted. Modification to team make-up may occur based on team skill make-up at the direction of the competition host.

Data: Participants will be provided current GSA public data sets to use in designing their solution on the day of the event. Prior to the event, the GitHub page, *open.gsa.gov/Digital-Innovation-Hackathon/,* will be updated with project details and criteria.

Hackathon projects may include the following:

- IAE CO Dashboard—A Dashboard that pulls together Contract Report Data, with Vendor information along with Contract Performance information in one location.
- Travel Tool—Improvements/Enhancements to the existing Tool.
- Public Data Listing Formatting on GitHub—A new way to view all of GSA's data assets.
- Socio-Economic Advisor—Access to specific Vendor data (Products, Services, etc.).
- Energy Use/Cost by Building/Effect on TSS—Identify drivers and relationships.

Eligibility for Challenge: Eligibility to participate in the GSA Digital Innovation and Strategy competition and win a prize is limited to entities/individuals:

1. That have registered to participate in the competition and complied with the rules of the competition as explained in this posting; and

2. That have been incorporated in and maintains a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, the participant must be a citizen or permanent resident of the United States.

Participants may not be a federal entity or federal employee acting within the scope of employment. However, an individual or entity shall not be deemed ineligible because the individual or entity used federal facilities or consulted with federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Participants agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this competition, whether the injury, death, damage, or loss arose through negligence or otherwise. Participants also agree to obtain liability insurance or demonstrate financial responsibility, to cover a third party for death, bodily injury, property damage, or loss resulting from an activity carried out in connection with participation in this competition.

Participants are hereby advised that diligent care must be taken to avoid the appearance of government endorsement of competition participation and submission. Moreover, as is customary when doing business with the Federal Government, participants may not refer to GSA's use of your submission (be it product or service) in any commercial advertising or similar promotions in a manner that states or implies that the product or service being used is endorsed or preferred by GSA or any other element of the Federal Government, or that the Federal Government considers it to be superior to other products or services. The intent of this policy is to prevent the appearance of Federal Government bias toward any one product or service. Participants agree that GSA's trademarks, logos, service marks, trade names, or the fact that GSA awarded a prize to a Participant, shall not be used by the Participant to imply direct GSA endorsement of Participant or Participant's submission. Both Participants and GSA may list the other party's name in a publicly available customer or other list so long as the name is not displayed in a more prominent fashion than any other third-party name.

Prizes: GSA may award up to three team prizes $1,000 to each member of a winning team. GSA is not required to award all prizes if the judges determine that a smaller number of entries meet the scope and requirements laid out for this competition, or if the Agency plans to only use code from a smaller number of entries. Funding for this GSA Digital Innovation and Strategy competition award will come from GSA. Prizes will be awarded to the winner(s) of the competition via Electronic Funds Transfer (EFT), within 60 days of announcement of the winner(s).

Requirements: The final solution should be open source code and placed on GSA's GitHub site to be specified to participants the day of the event. ''Open source'' refers to a program in which the source code is available to the general public for use and/or modification from its original design free of charge. In order to be Open Source Initiative Certified, the solution must meet the following ten criteria:

1. The author or holder of the license of the source code cannot collect royalties on the distribution of the program;

2. The distributed program must make the source code accessible to the user;

3. The author must allow modifications and derivations of the work under the program's original name;

4. No person, group, or field of endeavor can be denied access to the program;

5. The rights attached to the program must not depend on the program being part of a particular software distribution;

6. The licensed software cannot place restrictions on other software that is distributed with it;

7. The solution must be an online, interactive solution that meets the goals and objectives provided in this document;

8. The solution must include documentation of all data sources used;

9. The solution must include a description of how the solution can be updated with additional data from other agencies; and

10. The solver must provide recommendations to enhance Government insights through improvements in data collection.

The winner(s) of the competition will, in consideration of the prize(s) to be awarded, grant to GSA a perpetual, non-exclusive, royalty-free license to use any and all intellectual property to the winning entry for any governmental purpose, including the right to permit such use by any other agency or agencies of the Federal Government. All other rights of the winning entrant will be retained by the winner of the competition.

Scope: Any federal data and information that is publicly available is included in the scope of this challenge. Summary-level sample data will be provided.

Judges: There will be three Judges, each with expertise in Government-Wide Policy, Travel, Information Technology, and/or Acquisition. Judges will award a score to each submission. The winner(s) of the competition will be decided based on the highest average overall score. Judges will only participate in judging submissions for which they do not have any conflicts of interest.

Judging Criteria: A panel of judges will assess each solution based on technical competence and capabilities, use of GSA data to provide effective outcomes, creativity/innovation, and valuable information and insights.

Submissions will be judged based on the following Metrics:

Criteria Technical Competence and Capabilities/Weight 50%

Description—The solution addresses the primary goals of the Hack-a-thon. It is a finished product that can provide insightful analysis and show GSA how

to enhance/improve existing functions, share data across GSA and more efficiently utilize existing applications.

Use of Data To Provide Effective Outcomes/Weight 20%

Description—The solution displays in a way that is easy to understand, visually appealing, and will help drive understanding of current trends as well as recommendations.

Creativity/Innovation/Weight 10%

Description—The solution exceeds any internal capability that GSA has for analysis of data through its incorporation of creative design elements and innovative capabilities.

Valuable Information and Insights Regarding Data/Weight 20%

Description—The solver provides recommendations for additional data elements to be collected by the government. The solver identifies gaps in the data and utilizes external data sources and research to aid the Government in setting future data collection policies.

Challenge Goal and Objectives

Goal: Design and build an application, API, and/or data mashup while using GSA data that solves one of five GSA business problems provided at the Hack-a-thon.

Objectives:

—Utilize GSA data to create an application, API, and/or data mashup.
—Provide GSA a better understanding of use and needs of current and future data assets.
—Post all open source solutions on GitHub for future use by the government developer community and GSA.

Registration: Registration for this event will be accomplished online at the following link: *https://www.eventbrite.com/e/us-general-services-administration-gsa-hack-a-thon-tickets-15637828165.* It shall remain open until Tuesday, May 5, 2015, at 11:59 p.m., Eastern Standard Time (EST). The event space is limited to the first 120 people; once registration is complete you shall receive a confirmation email.

All participants are required to check in with Security upon arriving at the GSA Central Office Building, 1800 F Street NW., Washington, DC 20405. A government-issued ID is required to gain access into the building. All participants must enter through the main entrance located on 18th Street.

Proceed through Security and follow the posted signs to the Conference Center, Rooms 1459–1461.

Check in at the Registration table on Friday, May 8, 2015, beginning at 9:00 a.m., Eastern Standard Time (EST). All participants must stop here to sign the required forms shown below:

- Gratuitous Service Agreement.

Dated: April 22, 2015.

Kris Rowley,

Director, Enterprise Information & Data Mgmt Ofc.

[FR Doc. 2015–09843 Filed 4–27–15; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–15–0792]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Environmental Health Specialists Network (EHS–NET) Program (OMB No. 0920–0792, expired 1/31/2015)—Reinstatement—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC is requesting OMB approval for a reinstatement (with changes) of this generic information collection plan. Due to the uncertainty about whether the EHS-Net program would receive continued funding, NCEH submitted a discontinuation request for this plan on January 23, 2015. This reinstatement will provide clearance for EHS-Net data collections conducted in the next three years to support a research program focused on identifying the environmental causes of foodborne illness.

This program is conducted by the Environmental Health Specialists Network (EHS-Net), a collaborative project of CDC, the Food and Drug Administration (FDA), the United States Department of Agriculture (USDA), and local and state sites. To date, EHS-Net has conducted four studies under this generic information collection plan. The data from these studies have yielded valuable findings and have been disseminated to environmental public health/food safety regulatory programs and the food industry in the form of presentations at conferences and meetings, scientific journal publications, and Web site postings.

NCEH intends to conduct EHS-Net data collections from 2015 through 2018 (approximately one per year). The program is revising the generic information collection request (ICR) to account for a likely change in the participating sites, to reduce the estimated burden, and to eliminate ineffective sample weighting analyses.

Reducing foodborne illness first requires identification and understanding of the environmental factors that cause these illnesses. We need to know how and why food becomes contaminated with foodborne illness pathogens. This information can then be used to determine effective food safety prevention methods. The purpose of this food safety research program is to identify and understand

environmental factors associated with foodborne illness and outbreaks.

Environmental factors associated with foodborne illness include both food safety practices (*e.g.,* inadequate cleaning practices) and the factors in the environment associated with those practices (*e.g.,* worker and retail food establishment characteristics). To understand these factors, we need to continue to collect data from those who prepare food (*i.e.,* food workers) and on the environments in which the food is prepared (*i.e.,* retail food establishment kitchens). Thus, data collection methods for this generic package include: (1) manager and worker interviews/assessments, and (2) observation of kitchen environments. Both methods allow data collection on food safety practices and environmental factors associated with those practices.

For each data collection, we will collect data in approximately 47 retail food establishments per site. Thus, there will be approximately 376 establishments per data collection (an estimated 8 sites X 47 establishments). We expect a manager/establishment response rate of approximately 60 percent; thus, we will need to attempt to recruit 627 managers/establishments via telephone in order to meet our goal of 376 establishments. Each manager will respond to the recruiting script only once for approximately three minutes. Thus, the maximum burden for the manager recruiting attempts will be 31 hours. We will collect interview/assessment data from a manager in each establishment. Each manager will respond only once for approximately 30 minutes. Thus, the maximum burden for the manager interview/assessment will be 188. In total, the average burden for managers will be 219 hours (31 hours for recruiting plus 188 hours for the interview/assessment).

For each data collection, we will recruit a worker from each participating establishment to provide interview/assessment data. Each worker will respond to the recruiting script only once for approximately three minutes. Thus, the maximum burden for the worker recruiting attempts will be 19 hours. We expect a worker response rate of 90 percent (339 workers). Each worker will respond only once for approximately 10 minutes. Thus, the maximum burden for the worker interview/assessment will be 57 hours. In total, the average burden per worker response will be 88 hours (19 hours for recruiting plus 57 hours for the interview/assessment).

There is no cost to respondents other than their time. The total estimated annual burden for each data collection will be 295 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Retail managers	Manager Telephone Recruiting Script	627	1	3/60
Retail managers	Manager Interview/Assessment	376	1	30/60
Retail food workers	Worker Recruiting Script	376	1	3/60
Retail food workers	Worker Interview/Assessment	339	1	10/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–09785 Filed 4–27–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10433]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *May 28, 2015:*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions:

OMB, Office of Information and Regulatory Affairs,
Attention: CMS Desk Officer,
Fax Number: (202) 395–5806 *OR*
Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C.

3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Initial Plan Data Collection to Support Qualified Health Plan (QHP) Certification and Other Financial Management and Exchange Operations; *Use:* As required by the CMS–9989–F, Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (77 FR 18310) (Exchange Establishment Rule), each Exchange must assume responsibilities related to the certification and offering of Qualified Health Plans (QHPs). In addition to data collection for the certification of QHPs, the reinsurance and risk adjustment programs outlined by the Affordable Care Act, detailed in 45 CFR part 153, as established by CMS–9975–F, Patient Protection and Affordable Care Act; Standards for Reinsurance, Risk Corridors, and Risk Adjustment (77 FR 17220), have general information reporting requirements that apply to issuers, group health plans, third party administrators, and plan offerings outside of the Exchanges. Subsequent regulations for these programs including the final HHS Notice of Benefit and Payment Parameters for 2014 and the Program Integrity: Exchange, Premium Stabilization Programs, and Market Standards; Amendments to the HHS Notice of Benefit and Payment Parameters for 2014, and the final HHS Notice of Benefit and Payment Parameters for 2015 provide further reporting requirements. *Form Number:* CMS–10433 (OMB control number 0938–1187); *Frequency:* Once; *Affected Public:* Individuals and Households, Private sector (Business or other for-profits and Not-for-profit institutions), State, Local or Tribal Governments; *Number of Respondents:* 900; *Total Annual Responses:* 900; *Total Annual Hours:* 150. (For policy questions regarding this collection contact Jaya Ghildiyal at 301–492–5149.)

Dated: April 23, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–09849 Filed 4–27–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10488]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 29, 2015.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10488—Health Insurance Marketplace Consumer Experience Surveys: Qualified Health Plan Enrollee Experience Survey

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection. *Title of Information Collection:* Health Insurance Marketplace Consumer Experience Surveys: Qualified Health Plan Enrollee Experience Survey; *Use:* Section 1311(c)(4) of the Affordable Care Act (ACA) requires the Department of Health and Human Services (HHS) to develop an enrollee satisfaction survey system that assesses consumer experience with qualified health plans (QHPs) offered through an Exchange. It also requires public display of enrollee satisfaction information by the Exchange to allow individuals to easily compare enrollee satisfaction levels between comparable plans. HHS established the Marketplace Survey and the QHP Enrollee Experience Survey (QHP Enrollee Survey) to assess consumer experience with the Marketplaces and the QHPs offered through the Marketplaces. The surveys include topics to assess consumer experience with the Marketplace such as enrollment and customer service, as well as experience with the health care system such as communication skills of providers and ease of access to health care services. CMS developed the surveys using the Consumer Assessment of Health Providers and Systems (CAHPS®) principles (*http://www.cahps.ahrq.gov/about.htm*) and established an application and approval process for survey vendors who want to participate in collecting QHP enrollee experience data.

The Marketplace Survey will provide (1) actionable information that the Marketplaces can use to improve performance, (2) information that CMS and state regulatory organizations can use for oversight, and (3) a longitudinal database for future Marketplace research. The CAHPS® family of instruments does not have a survey that assesses entities similar to Marketplaces, so the Marketplace Survey items were generated by the project team. The QHP Enrollee Survey, which is based on the CAHPS® Health Plan Survey, will (1) help consumers choose among competing health plans, (2) provide actionable information that the QHPs can use to improve performance, (3) provide information that regulatory and accreditation organizations can use to regulate and accredit plans, and (4) provide a longitudinal database for consumer research.

CMS is completing two rounds of developmental testing for the surveys. The 2014 survey psychometric tests helped determine psychometric properties and provided an initial measure of performance for Marketplaces and QHPs to use for quality improvement. Based on psychometric test results, CMS further refined the questionnaires and sampling designs to conduct the 2015 beta test of each survey. CMS requests clearance for the national implementation of the QHP Enrollee Survey, beginning in 2016. The total estimated annual burden hours of national implementation of the QHP Enrollee Survey is 39,623 hours with 120,015 responses. The total annualized burden over three years for this requested information collection is 118,869 hours and the total average annualized number of responses is 360,045 responses. *Form Number:* CMS–10488 (0938–1221); *Frequency:* Annually; *Affected Public:* Individuals and Households, Private sector (Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 120,015; *Total Annual Responses:* 120,015; *Total Annual Hours:* 39,623 hours. (For policy questions regarding this collection contact Nidhi Singh Shah at 301–492–5110.)

Dated: April 23, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–09850 Filed 4–27–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Service is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA) will be holding a meeting to continue discussions and possibly develop recommendations regarding People Living with HIV/AIDS. PACHA will hold a joint session with the Centers for Disease Control and Prevention/Health Resources and Services Administration Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment. This will be the first time these advisory committees have had a joint meeting. During this session, members will discuss next steps regarding National HIV/AIDS Strategy goals. On the second day of the meeting, PACHA will hear from key expert speakers regarding the Hepatitis C virus and barriers to care. The meeting will be open to the public.

DATES: The meeting will be held on May 21, 2015, from 9:00 a.m. to approximately 5:00 p.m. (ET) and May 22, 2015, from 9:00 a.m. to approximately 12:30 p.m. (ET).

ADDRESSES: On May 21, the meeting will be held at the W Downtown Hotel located at 45 Ivan Allen Jr Blvd., Atlanta, GA 30308. On May 22, the meeting will be held at the Satcher Health Leadership Institute at the Morehouse School of Medicine located at 720 Westview Drive, Atlanta, GA, 30310.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 443H, Washington, DC 20201; (202) 205–1178. More detailed information about PACHA can be obtained by accessing the PACHA Web page on the AIDS.Gov Web site at *www.aids.gov/pacha.*

SUPPLEMENTARY INFORMATION: PACHA was established by E. O. 12963, dated June 14, 1995 as amended by E. O. 13009, dated June 14, 1996. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies to promote effective prevention and cure of HIV disease and AIDS. The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House Office on National AIDS Policy. The agenda for the upcoming meeting will be posted on the AIDS.gov Web site at *www.aids.gov/pacha.*

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Caroline Talev at *caroline.talev@hhs.gov.* Due to space constraints, pre-registration for public attendance is advisable and can

be accomplished by contacting Caroline Talev at *caroline.talev@hhs.gov* by close of business on May 13, 2015. Members of the public will have the opportunity to provide comments at the meeting on May 21, 2015. Any individual who wishes to participate in the public comment session must register with Caroline Talev at *caroline.talev@hhs.gov* by close of business on May 13, 2015; registration for public comment will not be accepted by telephone. Individuals are encouraged to provide a written statement of any public comment(s) for accurate minute taking purposes. Public comment will be limited to two minutes per speaker. Any members of the public who wish to have printed material distributed to PACHA members at the meeting are asked to submit, at a minimum, 1 copy of the material(s) to Caroline Talev, no later than close of business on May 13, 2015.

Dated: April 16, 2015.

B. Kaye Hayes,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 2015–09823 Filed 4–27–15; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance Program; Negotiation Cooperative Agreement; Correction

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on February 18, 2015, for the FY 2015 Office of Tribal Self-Governance Program, Negotiation Cooperative Agreement Announcement. The notice contained incorrect guidance.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Gettys, Grant Systems Coordinator, Division of Grants Management, Indian Health Service, 801 Thompson Avenue, Suite TMP 360, Rockville, MD 20852, Telephone (301) 443–2114. (This is not a toll-free number.)

Correction

In the **Federal Register** of February 18, 2015, in FR Doc. 2015–03235, on page 8670, in the third column, from the heading ''Universal Entity Identifier (UEI) Numbering System,'' to just before ''V. Application Review Information,'' the correct language should read as follows:

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 (CCR) 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.go.*

Dated: April 16, 2015.

Robert McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–09820 Filed 4–27–15; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-Day; Proposed Information Collection: Indian Health Service; Loan Repayment Program (LRP)

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*), which requires 60 days for public comment on proposed information collection projects, the Indian Health Service (IHS) invites the general public to take this opportunity to comment on the information collection Office of Management and Budget (OMB) Control Number 0917–0014, titled, ''IHS Loan Repayment Program (LRP).''

This previously approved information collection project was last published in the **Federal Register** (77 FR 27467) on May 10, 2012, and allowed 30 days for public comment. No public comment was received in response to the notice. This notice announces our intent to submit this collection, which expires May 31, 2015, to OMB for approval of an extension and solicit comments on specific aspects for the proposed information collection.

A copy of the draft supporting statement is available at *www.regulations.gov* (see Docket ID IHS–2015–0003).

Proposed Collection: Title: 0917–0014, ''Indian Health Service Loan Repayment Program.'' *Type of Information Collection Request:* Extension of currently approved information collection, 0917–0014, ''Indian Health Service Loan Repayment Program.'' The LRP application is available in an electronically fillable and fileable format. *Form(s):* The IHS LRP Information Booklet contains the instructions and the application formats. *Need and Use of Information Collection:* The IHS LRP identifies health professionals with pre-existing financial obligations for education expenses that meet program criteria and who are qualified and willing to serve at, often remote, IHS health care facilities. Under the program, eligible health professionals sign a contract through which the IHS agrees to repay part or all of their indebtedness in exchange for an initial two-year service commitment to practice fulltime at an eligible Indian health program. This program is necessary to augment the critically low health professional staff at IHS health care facilities.

Any health professional wishing to have their health education loans repaid may apply to the IHS LRP. A two-year contract obligation is signed by both parties, and the individual agrees to work at an eligible Indian health program location and provide health services to American Indian and Alaska Native individuals.

The information collected via the on-line application from individuals is

analyzed and a score is given to each applicant. This score will determine which applicants will be awarded each fiscal year. The administrative scoring system assigns a score to the geographic location according to vacancy rates for that fiscal year and also considers whether the location is in an isolated area. When an applicant accepts employment at a location, the applicant in turn ''picks-up'' the score of that location. *Affected Public:* Individuals and households. *Type of Respondents:* Individuals.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Annual number of responses, Average burden hour per response, and Total annual burden hour(s).

ESTIMATED BURDEN HOURS

Data collection instrument(s)	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual responses (in hours)
LRP Application	816	1	1.5	1,224

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Requests For Comments: Your comments and/or suggestions are invited on one or more of the following points:

(a) Whether the information collection activity is necessary to carry out an agency function;

(b) whether the agency processes the information collected in a useful and timely fashion;

(c) the accuracy of public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information);

(d) whether the methodology and assumptions used to determine the estimates are logical;

(e) ways to enhance the quality, utility, and clarity of the information being collected; and

(f) how the newly created online application assists the applicant efficiently and effectively.

ADDRESSES: Submit comments to Jackie Santiago by one of the following methods:

- *Mail:* Jackie Santiago, Chief, Loan Repayment Program, 801 Thompson Avenue, TMP, STE 450, Rockville, MD 20852–1627.
- *Phone:* 301–443–2486.
- *Email: Jackie.Santiago@ihs.gov.*
- *Fax:* 301–443–4815.

To Request More Information On The Proposed Collection, Contact: Jackie Santiago through one of the following methods:

- *Mail:* Jackie Santiago, Chief, Loan Repayment Program, 801 Thompson Avenue, TMP, STE 450, Rockville, MD 20852–1627.
- *Phone:* 301–443–2486.
- *Email: Jackie.Santiago@ihs.gov.*
- *Fax:* 301–443–4815.

Comment Due Date: June 29, 2015. Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

Dated: April 13, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–09824 Filed 4–27–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance Program; Planning Cooperative Agreement; Correction

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on February 20, 2015, for the FY 2015 Office of Tribal Self-Governance Program, Planning Cooperative Agreement. The notice contained incorrect guidance.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Gettys, Grant Systems Coordinator, Division of Grants Management, Indian Health Service, 801 Thompson Avenue, Suite TMP 360, Rockville, MD 20852, Telephone (301) 443–2114. (This is not a toll-free number.)

Correction

In the **Federal Register** of February 20, 2015, in FR Doc. 2015–03206, on page 9275, in the second column, from the heading ''Universal Entity Identifier (UEI) Numbering System,'' to just before ''V. Application Review Information,'' the correct language should read as follows:

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 (CCR) 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.

Dated: April 16, 2015.

Robert McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–09822 Filed 4–27–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Telephone Review for U01 Application.

Date: May 14, 2015.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel NIDDK–KUH Fellowship Review.

Date: June 5, 2015.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel RFA–DK–15–001: NIDDK Developmental Centers for Interdisciplinary Centers in Benign Urology (P20).

Date: June 15, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel NIDDK Ancillary Studies.

Date: June 17, 2015.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 22, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09780 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Biomedical Imaging and Bioengineering National Advisory Council, May 18, 9:00 a.m., The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854, which was published in the **Federal Register** on March 17, 2015, 80FR13863.

The meeting notice is amended to change the start time from 9:00 a.m. to 8:30 a.m.

Dated: April 22, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09779 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

SUMMARY: This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. The meeting is open to the public and registration is requested for both attendance and oral comment and required to access the webcast. Information about the meeting and registration will be available at *http://ntp.niehs.nih.gov/go/165.*

DATES: *Meeting:* June 16, 2015, begins at 8:30 a.m. Eastern Daylight Time (EDT) and continues until adjournment.

Written Public Comment Submissions: Deadline is June 2, 2015.

Registration for Meeting and/or Oral Comments: Deadline is June 9, 2015. Registration to view the meeting via the webcast is required.

ADDRESSES: *Meeting Location:* Rodbell Auditorium, Rall Building, National Institute of Environmental Health Sciences (NIEHS), 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The preliminary agenda, registration, and other meeting materials will be at *http://ntp.niehs.nih.gov/go/165.*

Webcast: The meeting will be webcast; the URL will be provided to those who register for viewing.

FOR FURTHER INFORMATION CONTACT: Dr. Lori White, Designated Federal Officer for the BSC, Office of Liaison, Policy, and Review, Division of NTP, NIEHS, P.O. Box 12233, K2–03, Research Triangle Park, NC 27709. Phone: 919–541–9834, Fax: 301–480–3272, Email: *whiteld@niehs.nih.gov.* Hand Deliver/Courier address: 530 Davis Drive, Room K2124, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION: Meeting and Registration: The meeting is open to the public with time scheduled for oral public comments; attendance at the

meeting is limited only by the space available.

The BSC will provide input to the NTP on programmatic activities and issues. A preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting Web site (*http://ntp.niehs.nih.gov/go/165*) or may be requested in hardcopy from the Designated Federal Officer for the BSC. Following the meeting, summary minutes will be prepared and made available on the BSC meeting Web site.

The public may attend the meeting in person or view the webcast. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Individuals who plan to provide oral comments (see below) are encouraged to register online at the BSC meeting Web site (*http://ntp.niehs.nih.gov/go/165*) by June 9, 2015, to facilitate planning for the meeting. Individuals interested in this meeting are encouraged to access the Web site to stay abreast of the most current information regarding the meeting. Visitor and security information for those attending in-person is available at *niehs.nih.gov/about/visiting/index.cfm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. White at phone: (919) 541–9834 or email: *whiteld@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 Comments: Written comments submitted in response to this notice should be received by June 2, 2015. Comments will be posted on the BSC meeting Web site and persons submitting them will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting written comments should include their name, affiliation (if applicable), phone, email, and sponsoring organization (if any) with the document.

Time is allotted during the meeting for the public to present oral comments to the BSC on the agenda topics. Public comments can be presented in-person at the meeting or by teleconference line. There are 50 lines for this call; availability is on a first-come, first-served basis. The lines will be open from 8:30 until adjournment, although the BSC will receive public comments only during the formal public comment periods, which are indicated on the preliminary agenda. Each organization is allowed one time slot per agenda topic. Each speaker is allotted at least 7 minutes, which if time permits, may be extended to 10 minutes at the discretion of the BSC chair. Persons wishing to present oral comments should register on the BSC meeting Web site by June 9, 2015, indicate whether they will present comments in-person or via the teleconference line, and indicate the topic(s) on which they plan to comment. The access number for the teleconference line will be provided to registrants by email prior to the meeting. On-site registration for oral comments will also be available on the meeting day, although time allowed for comments by these registrants may be limited and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked to send a copy of their statement and/or PowerPoint slides to the Designated Federal Officer by June 9, 2015. Written statements can supplement and may expand upon the oral presentation. If registering on-site and reading from written text, please bring 20 copies of the statement for distribution to the BSC and NTP staff and to supplement the record.

Background Information on the BSC: The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets biannually. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended. The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: April 22, 2015.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2015–09775 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Quantitative Imaging for Evaluation of Response to Cancer Therapies (U01).

Date: May 13, 2015.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 5W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, Ph.D., Scientific Review Officer, 9609 Medical Center Drive, Room 7W266, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, Bethesda, MD 20892–9750, (240) 276–6385, *lovingeg@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Omnibus R03 & R21 SEP–2.

Date: June 1–2, 2015.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W104, Bethesda, MD 20892–9750, 240–276–6342, *choe@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction;

93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 22, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09777 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Chronic Traumatic Encephalopathy SEP.

Date: April 30, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–435–6033, *rajarams@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, NINDS P01 REVIEWS.

Date: May 4, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, *benzingw@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, NIH–NINDS BRAIN Initiative (005) Review.

Date: June 22–23, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Raul A. Saavedra, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223, *saavedrr@ninds.nih.gov*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: *April 22, 2015.*

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09778 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Investigator Initiated Program Project Applications (P01).

Date: May 20, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Susana Mendez, Ph.D., DVM, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Room 3G53B, MSC 9823, Rockville, MD 20852, 240–669–5059, *mendezs@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 22, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09781 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

The meeting will be open to the public as indicated below, 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.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Integrative Health.

Date: June 5, 2015.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Open: 10:30 a.m. to 4:00 p.m.

Agenda: Report from the Institute Director and other staff.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Martin H. Goldrosen, Ph.D., Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, NIH, 6707 Democracy Blvd., Ste. 401, Bethesda, MD 20892–5475, (301) 594–2014, *goldrosm@mail.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 onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. 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: *nccam.nih.gov/about/naccam/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: April 22, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–09776 Filed 4–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0038]

Agency Information Collection Activities: Petition To Remove the Conditions on Residence, Form I–751; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on February 24, 2015 at 80 FR 9741, allowing for a 60-day public comment period. USCIS did receive comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 28, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0038.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377 (comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0008 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Remove the Conditions on Residence.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–751; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form is used by USCIS to verify the petitioner's status and determine whether the conditional resident is eligible to have his or her status removed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–751 is 140,513 and the estimated hour burden per response is 3.333 hours. The estimated total number of respondents for the biographic processing is 140,513 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 797,130 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $16,644,320.

Dated: April 16, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–09294 Filed 4–27–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–C–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: Correction, Notice.

SUMMARY: This document corrects the document HUD published on April 14, 2015 at 80 FR 20005. 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 29, 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, SF–425.

Description of the need for the information and proposed use:

This request seeks approval for the following items:

1. Revision of form HUD–50080–SCMF;

2. Elimination of the standard form (SF) 425 ''Federal Financial Report'' and form HUD–96010 ''Logic Model'' for Service Coordinator in Multifamily Housing grant recipients, and

3. Grant application intake submission requirements for the Upcoming Notice of Funding availability (NOFA) for the Seniors and Services Demonstration program. The eligible applicant pool for this demonstration will be aligned with the Service Coordinators in Multifamily Housing program.

As a result, this request will reduce the number of respondents, responses per annum, frequency of Responses, and total Estimated Burden hours.

The collection of information is necessary to ensure efficient and proper use of funds for eligible activities. Without this information, HUD staff cannot assess the need for funds and effectively monitor grantees' program performance and administration. In addition, the information collection will assist applicants in better determining their need for funds. The information will also enable grantees to more effectively evaluate their program performance; account for funds, and maintain appropriate program records.

Grant funds are taken to pay costs previously incurred and are obtained through use of the electronic Line of Credit Control System (eLOCCS). Grantees are required to draw down from eLOCCS monthly or quarterly.

Grantees will submit the revised form HUD–50080–SCMF on a semi-annual basis. Grantees will complete one worksheet per draw down. Each worksheet will list every expense incurred during that month or quarter. Grantees will be required to maintain detailed expense documentation in their files. HUD may request copies of such documentation if additional program review is warranted.

The data reported will allow HUD staff to track expenses and drawdown of funds for eligible costs at intervals within the grant term. The modified form and submission schedule are designed to reduce burden and collect valid and relevant data.

HUD proposes to substitute the revised form HUD–50080–SCMF for the SF–425, ''Federal Financial Report.'' The SF–425 does not provide HUD with any data that is not already available in LOCCS or that will be reported in the revised HUD–50080–SCMF. The revised HUD–50080–SCMF provides the most essential information HUD needs to determine whether federal funds have been used properly.

Respondents: Multifamily Housing assisted housing owners.

Estimated Number of Respondents: 7,770.

Estimated Number of Responses: 13,790.

Frequency of Response: Semi-annually to annually.

Average Hours per Response: 10.2.

Total Estimated Burden hours: 61,060.

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 comments in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: April 22, 2015.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015–09773 Filed 4–27–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–22]

30-Day Notice of Proposed Information Collection: Family Self Sufficiency Program Demonstration

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: May 28, 2015.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on December 29, 2014 at 79 FR 78100.

A. Overview of Information Collection

Title of Information Collection: Family Self-Sufficiency Program Demonstration.

OMB Approval Number: 2528–0296.

Type of Request: Revision of a currently approved collection.

Form Numbers: N/A.

Description of the need for the information and proposed use: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including if the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The Department is conducting this study under contract with MDRC and its subcontractors (Branch Associates and M. Davis and Company, Inc.). The project is an evaluation of the Family Self-Sufficiency Program operated at Public Housing Agencies (PHAs) across the U.S. The study will use random-assignment methods to evaluate the effectiveness of the program. FSS has operated since 1992 and serves voucher holders and residents of public housing. The FSS model is essentially case management plus an escrow account. FSS case managers create a plan with families to achieve goals and connect with services that will enhance their employment opportunities. Families accrue money in their escrow accounts as they increase their earnings. To date, HUD has funded two other studies of the FSS program, but neither can tell us how well families would have done in the absence of the program. A random assignment model is needed because participant self-selection into FSS limits the ability to know whether program features rather than the characteristics of the participating families caused tenant income gains. Random assignment will limit the extent to which selection bias is driving observed results.

This demonstration will document the progress of a group of FSS participants from initial enrollment to program completion (or exit). The intent is to gain a deeper understanding of the program and illustrate strategies that assist participants to obtain greater economic independence. While the main objective of FSS is stable, suitable employment, there are many interim outcomes of interest, which include: getting a first job; getting a higher paying job; self-employment/small business ownership; no longer needing benefits provided under one or more welfare programs; obtaining additional education, whether in the form of a high school diploma, higher education degree, or vocational training; buying a home; buying a car; setting up savings accounts; or accomplishing similar goals that lead to economic independence.

Data collection referenced in this notice focuses on program participation and data will be collected for FSS program participants only.

Respondents: 18 PHAs (approximately 1 staff per PHA) 1,785 Study Participants.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Information collection	Number of respondents	Number responses per respondent	Average burden/ response (in hours)	Total burden hours
Management Information System (MIS) ..	18 PHAs	3.5 responses (assumes annual entry 2015, 2016, 2017, and part of 2018).	.83 hours (assume 50 minutes/year).	3,809 burden (18 PHAs * 73 program participants[1] * 3.5 responses * .83 hours).
Tracking Survey	1,785 Study Participants.	2 responses (semi-annual follow-ups).	.17 hours (assume 20 minutes/year).	607 burden (18 PHAs * 1,785 program participants * 2 responses * .17 hours).
Total	.....	.....	.....	4,416 hours

[1] Total sample = 2,609, of which 1,306 is in the FSS group and 1,303 are in the Control group (excluding withdrawn or ineligible participants). There is an average of 73 FSS group members per PHA (1306 FSS group members/18 PHAs).

Estimated Number of Reponses: See table.

Frequency of Response: See table.

Average Hours per Response: See table.

Total Estimated Burden Hours: 4,416 Burden Hours.

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 21, 2015.*

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–09769 Filed 4–27–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5841–N–01]

60-Day Notice of Proposed Information Collection: Certification of Consistency With Sustainable Communities Planning and Implementation

AGENCY: Office of Strategic Planning and Management, Grants Management and Oversight Division, HUD.

ACTION: Notice of Proposed Information Collection.

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 29, 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: 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: Certification of Consistency and Nexus between Activities Proposed by the Applicant with Livability Principles Advanced in Preferred Sustainability Status Communities.

OMB Approval Number: 2535–0121.

Type of Request: Extension of currently approved collection.

Form Number: HUD–2995.

Description of the need for the information and proposed use: HUD seeks grantees that envision and work toward sustainable communities, and provides a number of strategies to do so. To receive points for this policy priority, applicants must go beyond the basic minimum requirements of the NOFA to which they are applying, and must commit to incorporate into their proposed activities the appropriate Livability Principles described by the Partnership for Sustainable Communities, which includes HUD, the Department of Transportation, and the Environmental Protection Agency. These activities include: metropolitan regional plans, neighborhood plans, infrastructure investments, site plans, or architectural plans, so that resulting development or reuse of property takes into account the impacts of the development on the community and the metropolitan region, consistent with sustainable development as expressed in the Livability Principles, as follows:

(1) Provide More Transportation Choices.

(2) Promote equitable, affordable housing.

(3) Enhance Economic Competitiveness.

(4) Support Existing Communities.

(5) Coordinate Policies and Leverage Investment.

(6) Value Communities and Neighborhoods.

Respondents 11,000.

Number of respondents	Frequency of responses	Number of responses	Estimated average time (seconds)	Estimated annual burden
6,540	1 (60%)	6540	60	6540 = 109 minutes.
60 new applicants	1	60	60	60 seconds = 1 minute.
4,630	1 (40%)	4360	60	4360 = 73 hours.
40 new applicants	1	40	60	67 seconds = 1 minute 7 seconds.
Total		11,000		183 hours.

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 21, 2015.*

Julie D. Hopkins,

Director, Grants Management and Oversight Division.

[FR Doc. 2015–09770 Filed 4–27–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–ES–2014–0050; FXES11120500000–156–FF05E00000]

Early Scoping for an Anticipated Application for Incidental Take Permit and Draft Habitat Conservation Plan; Copenhagen Wind Farm, LLC

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of scoping.

SUMMARY: Pursuant to the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), we, the U.S. Fish and Wildlife Service (Service), announce our intent to prepare a NEPA document for an anticipated Incidental Take Permit (ITP) application and associated draft habitat conservation plan (HCP) from Copenhagen Wind Farm, LLC for construction and operation of a wind energy facility on private lands that provide potential habitat for the northern long-eared bat and the federally listed endangered Indiana bat. The northern long-eared bat has recently been proposed for listing as an endangered species under the ESA. Construction activities (*e.g.,* tree clearing) and operation of wind turbines on these lands have the potential to incidentally take Indiana bats and northern long-eared bats. Therefore, Copenhagen Wind Farm, LLC is developing an ITP application and HCP to address these activities.

In advance of receiving the ITP application for this project, the Service is providing this notice to request information from other agencies, Tribes, and the public on the scope of the NEPA review and issues to consider in the NEPA analysis and in development of the HCP.

DATES: We will accept comments received or postmarked on or before May 28, 2015. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: You may submit written comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal Web site at: *http://www.regulations.gov.* In the Search box, enter FWS–R5–ES–2014–0050, which is the docket number for this notice. Click on the appropriate link to locate this document and submit a comment.
- *By hard copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing, Attn: FWS–R5–ES–2014–0050, Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, Falls Church, VA 22041.

We request that you send comments by only the methods above. We will post all information received on the Web site at *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: Robyn A. Niver, by mail at U.S. Fish and Wildlife Service, 3817 Luker Road, Cortland, NY 13045, or by telephone at 607–753–9334.

SUPPLEMENTARY INFORMATION: We announce our intent to prepare a NEPA document for a pending ITP application and associated draft HCP from Copenhagen Wind Farm, LLC for construction and operation of a wind energy facility on approximately 11,250 acres of leased private lands in Lewis and Jefferson Counties, New York. A map depicting the proposed project on the landscape can be viewed on the Service's New York Field Office Web page, at *http://www.fws.gov/northeast/nyfo/es/ibat.htm.* Dominated by active agricultural fields, along with substantial blocks of forested lands and lesser amounts of successional and disturbed communities, these lands provide potential foraging, roosting, maternity colony, and fall swarming habitat for all or many bat species that occur in the State of New York, including the northern long-eared bat (*Myotis septentrionalis*) and the federally listed endangered Indiana bat (*Myotis sodalis*). Both construction (*e.g.,* tree clearing) and operation of wind turbines have the potential to incidentally take northern long-eared

bats and Indiana bats. Therefore, Copenhagen Wind Farm, LLC is developing an ITP application and HCP to address these activities.

In advance of receiving the ITP application for this project, the Service is providing this notice to request information from other agencies, Tribes, and the public on the scope of the NEPA review and issues to consider in the NEPA analysis and in development of the HCP. We will proceed with preparation of an Environmental Assessment (EA), which we will use to evaluate, in conjunction with the public comments, whether any significant impacts would require further analysis in an Environmental Impact Statement.

Request for Information

We request data, comments, information, and suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We will consider all comments we receive in complying with the requirements of NEPA and in the development of the HCP and ITP.

We seek comments particularly related to:

(1) Information concerning the range, distribution, population size, and population trends of Indiana bats and northern long-eared bats in New York State;

(2) Additional biological information concerning Indiana bats, northern long-eared bats, and other federally listed species that occur in New York State that could be affected by proposed covered activities;

(3) Relevant data and information concerning myotid bat interactions with wind turbine construction and operation;

(4) Current or planned activities in the project planning area and their possible impacts on Indiana bats, northern long-eared bats, and other federally listed species in New York State;

(5) The presence of facilities within the project planning area that are eligible to be listed on the National Register of Historic Places, or whether other historical, archeological, or traditional cultural properties may be present;

(6) Any other issues relating to the human environment and potential impacts that we should consider with regard to the project planning area, covered activities, and potential ITP issuance.

You may submit your comments and materials concerning this notice by one of the methods listed in the **ADDRESSES** section.

Background

The Indiana bat is listed as an endangered species under the ESA. The population decline of this species has historically been attributed to habitat loss and degradation of both winter hibernation habitat (hibernacula) and summer roosting habitat, human disturbance during hibernation, and possibly pesticides. A recent new threat to Indiana bats is white-nose syndrome (WNS), a disease caused by a fungus (*Pseudogymnoascus destructans,* previously classified as *Geomyces destructans*) that invades the skin of bats. The fungus erodes wing tissue and alters behaviors such as hibernation location and arousal patterns, which decreases fat stores essential for overwinter survival. Millions of bats are estimated to have died as a result. White-nose syndrome is resulting in large population declines in some parts of the species' range, including the northeastern and southeastern United States.

The range of the Indiana bat includes much of the eastern United States, including New York. Winter habitat for the Indiana bat includes caves and mines that support high humidity and cool, but stable, temperatures. In the summer, Indiana bats roost in trees (dead, dying, or live trees) with exfoliating bark, cracks, crevices, and/or hollows. During summer, males roost alone or in small groups, while females and their offspring roost in larger groups. Indiana bats forage for insects in and along the edges of forested areas and wooded stream corridors.

The northern long-eared bat has recently been proposed for listing as an endangered species under the ESA. White-nose syndrome is the predominant threat to the species, though other threats may include impacts to hibernacula and summer habitat, and disturbance of hibernating bats. Northern long-eared bats have been abundant in the eastern United States and are often captured in summer mist nets surveys and detected during acoustic surveys. Northern long-eared bats are known to frequent forested habitats throughout New York. Similar to Indiana bats, northern long-eared bats generally hibernate in caves and mines during the winter. During the summer, the bats roost in live trees and snags, though they are also known to use human-made structures such as barns, sheds, and bat boxes.

Potential Federal Action

The proposed Federal action that will be analyzed through NEPA will be the potential issuance of an ITP to allow incidental take of Indiana bats and northern long-eared bats from the construction and operation of the wind energy facility, including specific activities that will be described in the HCP. The HCP will incorporate avoidance, minimization, mitigation, monitoring, and reporting measures aimed at addressing the impact of the covered activities to Indiana bats and northern long-eared bats. The project planning area for the HCP is the 11,250 acres of private lands under lease agreement with Copenhagen Wind Farm, LLC for construction and operation of a wind energy facility. The project consists of two phases, which will deliver up to 79.9 and 24.9 megawatts (MW) respectively of electrical power to the New York State electric grid.

Phase I

Phase I consists of a 6,605-acre generation site and a 2,595-acre transmission site. The generation site will include 47 wind turbines, approximately 15.2 miles of access roads, 20.3 miles of 34.5-kV electrical collector lines, a collection substation, 3 meteorological towers, a construction staging area, and an Operations and Maintenance (O&M) facility, located in the Town of Denmark in Lewis County, New York. The transmission site will include approximately 8.8 miles of overhead 115-kV electric transmission line, to be located in the Towns of Champion and Rutland, in Jefferson County, New York, and a Point of Interconnect (POI) substation, to be located adjacent to the existing National Grid Black River-Lighthouse Hill 115-kV transmission line in the Town of Rutland, Jefferson County, New York. Phase I construction is anticipated to begin with tree-clearing activities over the winter of 2015–2016, with access road and other construction commencing in the spring of 2016. Construction of Phase I is expected to be completed by December 2016.

Phase II

Phase II consists of up to 15 additional turbines, along with approximately 5.5 miles of access roads and 11 miles of collector lines, to be located on approximately 2,050 acres of leased private lands. The 34.5-kV electrical collector lines will gather the electricity from the turbines in the Town of Pinckney and deliver it to the collection substation in the Town of Denmark (to be constructed as part of Phase I). The turbines, access roads, and approximately 5.4 miles of the electrical collector lines will be located in the Town of Pinckney, Lewis County, New

York. The remaining 5.6 miles of electrical collector lines will be located in the Town of Denmark, generally in close proximity to infrastructure associated with Phase I of the Project. Phase II construction is anticipated to begin with tree-clearing activities over the winter of 2016–2017, with access road and other construction commencing in the spring of 2017. Construction of Phase II is expected to be completed by December 2017.

The HCP is expected to address both construction and operational activities associated with the wind energy facility. The covered construction activities in the HCP are anticipated to be as follows: Preconstruction activities (*e.g.,* geotechnical boring, installation of sedimentation and erosion control measures, field demarcation of previously identified sensitive resources), staging area construction, site preparation (*e.g.,* clearing woody vegetation from work areas), public road improvement, access road construction, turbine foundation construction, electrical collector system installation, wind turbine assembly and erection, transmission line and POI substation construction, O&M facility construction, and turbine commissioning. The covered operational activities in the HCP are anticipated to be as follows: Operation of turbines and associated electrical collection and transmission equipment, scheduled and unscheduled maintenance, and environmental management. Copenhagen Wind Farm, LLC anticipates that the activities posing the greatest risk of incidental take of Indiana bats or northern long-eared bats are (1) tree clearing during construction, and (2) collisions with operating turbines. They do not anticipate construction or operation of the wind energy facility will result in incidental take of any other federally listed species in the planning area. Potential minimization and mitigation measures may include removal of suitable roost trees during winter, operating turbines during periods of less bat activity, protection and enhancement of hibernacula, and protection and enhancement of Indiana bat and northern long-eared bat roosting and foraging habitat. The proposed duration of the ITP is 30 years.

NEPA Alternatives

The Service has not yet developed any NEPA alternatives to the proposed Federal action (*i.e.,* issuance of an ITP conditioned on implementation of the HCP). The NEPA analysis will assess the direct, indirect, and cumulative impacts of the proposed Federal action on the human environment, comprehensively interpreted to include the natural and physical environment and the relationship of people with that environment. It will also analyze several alternatives to the proposed Federal action, including no action and other reasonable courses of action (potentially including minimization and mitigation measures not considered in the proposed action). Relevant information provided in response to this notice will aid in developing the draft HCP and the NEPA analysis.

Prior Public Outreach

Phase I of the project has already undergone public review as part of the local permitting process, pursuant to the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617. This process was initiated on May 5, 2012, when Copenhagen Wind Farm, LLC submitted to the Town of Denmark Planning Board a full Environmental Assessment Form (EAF) and an application for a special use permit. On July 7, 2012, the Town of Denmark Planning Board forwarded a solicitation of Lead Agency status, along with a copy of the EAF document, to potentially interested/involved SEQRA agencies. No agency objected to the Town of Denmark Planning Board assuming the role of Lead Agency. The Town of Denmark, as Lead Agency, subsequently issued a Positive Declaration on August 7, 2012, requiring the applicant to prepare a Draft Environmental Impact Statement (DEIS).

The DEIS was accepted as complete on June 4, 2013, and copies of the DEIS were subsequently delivered to involved/interested agencies, and posted to a Web site managed by OwnEnergy (*http://www.ownenergy.net/project-development/our-projects/copenhagen-wind-farm*). Opportunities for detailed agency and public review were provided during the DEIS public comment period (June 4, 2013, through August 13, 2013), including a public hearing conducted by the Lead Agency on July 9, 2013, at the Copenhagen Central School gymnasium (3020 Mechanic Street, Copenhagen, NY). Eleven separate ''comment letters'' (hardcopy, email, and oral comments) were received, which provided 158 individual comments that were considered during the FEIS analysis. The comments covered a wide range of topics addressed in the DEIS. The most commonly raised questions and concerns pertained to biological resources and water resources, particularly with regard to potential impacts to birds, bats, and groundwater.

A responsiveness summary to address all substantive comments received on the DEIS during the public comment period was included as Section 4.0 of the Final Environmental Impact Statement (FEIS). The FEIS was accepted as complete by the Lead Agency on July 10, 2014, and is also available at the Project Web site (*http://www.ownenergy.net/project-development/our-projects/copenhagen-wind-farm*). The Lead Agency issued its Findings Statement on August 19, 2014. This document provides the rationale for the Planning Board's decision to approve issuance of the pending permit applications, and includes discussion of mitigating measures that will be incorporated as conditions of the pending permits and approvals to avoid or minimize adverse environmental impacts.

Public review of Phase II of the Project has not yet been initiated. However, it is anticipated that the same local permitting process used for Phase I will be followed for Phase II (*i.e.,* EAF, DEIS, Public Comment Period, FEIS).

Next Steps

In this stage of the project, we are seeking information to aid in development of the NEPA analysis and the draft HCP, and to inform what level of environmental analysis would be necessary for project implementation. We will then develop a draft NEPA document based on the ITP application, Applicant's draft HCP, any associated documents, and public comments received through this early scoping effort. We may solicit additional public, agency, and Tribal input to identify the nature and scope of the environmental issues that should be addressed during NEPA review, following appropriate public notice. We will then publish a notice of availability for the draft NEPA document and draft HCP and seek additional public comment before completing our final analysis to determine whether to issue an ITP.

Public Comments

During this 30-day public comment period (see **DATES**), the Service invites the public to provide comments that will aid our NEPA analysis. You may submit comments by one of the methods shown under **ADDRESSES**.

Public Availability of Comments

We will post all public comments and information received electronically or via hardcopy on *http://regulations.gov.* All comments received, including names and addresses, will become part of the administrative record and will be available to the public. Before including

your address, phone number, electronic mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. 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.

Authority

This notice is provided pursuant to NEPA regulations (40 CFR 1501.7 and 1508.22).

Dated: March 10, 2015.

Paul R. Phifer,

Assistant Regional Director, Ecological Services, Northeast Region.

[FR Doc. 2015–09806 Filed 4–27–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Renewal of Agency Information Collection for Law and Order on Indian Reservations—Marriage and Dissolution Applications

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is submitting to the Office of Management and Budget (OMB) a request for approval for the collection of information for the Law and Order on Indian Reservations—Marriage & Dissolution Applications, which concerns marriage and dissolution of a marriage in a Court of Indian Offenses. The information collection is currently authorized by OMB Control Number 1076–0094, which expires April 30, 2015.

DATES: Interested persons are invited to submit comments on or before May 28, 2015.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to: Katherine Scotta, Office of Justice Services, Bureau of Indian Affairs, 1849 C Street NW., MS–2603–MIB, Washington, DC 20240; email: *Katherine.Scotta@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Scotta, (202) 208–6711. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR 11.600(c) and 11.606(c). This information collection allows the Clerk of the Court of Indian Offenses to collect personal information necessary for a Court of Indian Offenses to issue a marriage license or dissolve a marriage. Courts of Indian Offenses have been established on certain Indian reservations under the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2, 9, and 13, which authorize appropriations for ''Indian judges.'' The courts provide for the administration of justice for Indian tribes in those areas where the tribes retain jurisdiction over Indians, exclusive of State jurisdiction, but where tribal courts have not been established to exercise that jurisdiction and the tribes has, by resolution or constitutional amendment, chosen to use the Court of Indian Offenses. Accordingly, Courts of Indian Offenses exercise jurisdiction under 25 CFR 11. Domestic relations are governed by 25 CFR 11.600, which authorizes the Court of Indian Offenses to conduct and dissolve marriages. In order to obtain a marriage licenses in a Court of Indian Offenses, applicants must provide the six items of information listed in 25 CFR 11.600(c), including identifying information, such a Social Security number, information on previous marriage, relationship to the other applicant, and a certificate of the results of any medical examination required by applicable tribal ordinances or the laws of the State in which the Indian country under the jurisdiction of the Court of Indian Offenses is located. To dissolve a marriage, applicants must provide the six items of information listed in 25 CFR 11.606(c), including information on occupation and residency (to establish jurisdiction), information on whether the parties have lives apart for at least 180 days or if there is serious marital discord warranting dissolution, and information on the children of the marriage and whether the wife is pregnant (for the court to determine the appropriate level of support that may be required from the non-custodial parent). (25 CFR 11.601) Two forms are used as part of this information collection, the Marriage License Application and the Dissolution of Marriage Application.

II. Request for Comments

On February 9, 2015, BIA published a notice announcing the renewal of this information collection and provided a 60-day comment period in the **Federal Register** (80 FR 7029). There were no comments received in response to this notice.

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other 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.

III. Data

OMB Control Number: 1076–0094.

Title: Law and Order on Indian Reservations—Marriage & Dissolution Applications, 25 CFR 11.

Brief Description of Collection: Submission of this information allows applicants to obtain a benefit, namely, the issuance of a marriage license or a decree of dissolution of a marriage license from the Court of Indian Offenses.

Type of Review: Extension of currently approved collection.

Respondents: Individuals.

Number of Respondents: 260 per year, on average.

Frequency of Response: On occasion.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Hour Burden: 65 hours.

Estimated Total Annual Non-Hour Dollar Cost: $6,500 (approximately $25 per application for processing fees).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2015–09812 Filed 4–27–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18031;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, and the Thomas Burke Memorial Washington State Museum, University of Washington (Burke Museum), have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by May 28, 2015.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs and in the physical custody of the Burke Museum. The human remains and associated funerary objects were removed from Clallam County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the U.S. Department of the Interior, Bureau of Indian Affairs and the Burke Museum professional staff in consultation with representatives of the Makah Indian Tribe of the Makah Indian Reservation.

History and Description of the Remains

In September 1963, human remains representing, at minimum, five individuals were removed from site 45–CA–26 on the Pacific Ocean Beach near Neah Bay adjacent to Makah Bay, Clallam County, WA. The site (45–CA–26) is located within the current boundaries of the Makah Indian Reservation. In or about September 1963, Robert E. Greengo of the Thomas Burke Memorial Washington State Museum was directed to the site by Mrs. Otis Baxter who advised that the wind had been blowing material out of the cut bank. Dr. Greengo found exposed human bones and other items that had been disturbed by the action of the surf and/or wind. Dr. Greengo returned in October 1963, in the company of Mr. and Mrs. Otis Baxter and collected bones and objects from the location that turned out to be site 45–CA–26. The collection has been housed at the Burke Museum since 1963. No known individuals were identified. The two associated funerary objects are an elk bone and a small bag of sand and crushed bone.

Geographic, historic, and anthropological evidence indicates that the human remains are Native American. The site (45–CA–26) is a shell midden site located within the current boundaries of the Makah Indian Reservation. Burial of human remains in or near shell middens is consistent with Native American burial practices in the Pacific Northwest. This area was historically and prehistorically occupied by the Makah people for at least the past 4,000 years.

Determinations Made by the Bureau of Indian Affairs and the Burke Museum

Officials of the Bureau of Indian Affairs and the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Makah Indian Tribe of the Makah Indian Reservation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Makah Indian Tribe of the Makah Indian Reservation may proceed.

The Bureau of Indian Affairs is responsible for notifying the Makah Indian Tribe of the Makah Indian Reservation that this notice has been published.

Dated: April 1, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09912 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17979;PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Beneski Museum of Natural History, Amherst College, Amherst, MA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Beneski Museum of Natural History, Amherst College has corrected a Notice of Intent to Repatriate published in the **Federal Register** on February 5, 2015. This notice corrects the number of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Beneski Museum of Natural History, Amherst College. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Beneski Museum of Natural History, Amherst College at the address in this notice by May 28, 2015.

ADDRESSES: Tekla A. Harms, NAGPRA Coordinator, Beneski Museum of Natural History, Amherst College, Amherst, MA 01002, telephone (413) 542–2233, email *taharms@amherst.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Beneski Museum of Natural History, Amherst College, Amherst, MA that meets the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of unassociated funerary objects published in a Notice of Intent to Repatriate in the **Federal Register** (80 FR 6538–6539, February 5, 2015). Unrelated work in the museum collections uncovered this additional artifact incorrectly stored. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (80 FR 6539, February 5, 2015), paragraph 1, sentence 1 is corrected by substituting the following sentence:

The Beneski Museum of Natural History, Amherst College (Beneski Museum) holds 119 cultural items that are documented to have been, or can reasonably be inferred to have been unassociated funerary objects that were removed from the state of Florida.

In the **Federal Register** (80 FR 6539, February 5, 2015), paragraph 3, sentences 1 and 2 are corrected by substituting the following sentence:

The Beneski Museum holds 38 cultural items obtained from Clarence B. Moore of Philadelphia, most—if not all—received in 1872. These cultural items are: five stone sinkers and two shell sinkers from 3 miles east of Marco, Lee County, FL; one shell celt from near Marco, Lee County, FL; six stone sinkers or pendants, five shell sinkers or pendants, and five shell beads from Marco Island, Ten Thousand Islands, Lee County, FL; five stone sinkers or pendants, five whorled shell sinkers or pendants, one awl of whorled shell, one shell gorget, and one large shell ring from Addison's Key, near Marco, Lee County, FL; one conch shell cup from a mound on a key in Gasparilla Sound, DeSoto or Charlotte County, FL.

In the **Federal Register** (80 FR 6539, February 5, 2015), paragraph 8, sentence 1 is corrected by substituting the following sentence:

Multiple lines of evidence—guided by tribal consultations—including geographic, oral tradition, historical, and aboriginal land claims, demonstrate a shared group identity between these 119 cultural items and the modern-day Miccosukee Tribe of Indians; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma.

In the **Federal Register** (80 FR 6539, February 5, 2015), paragraph 8, sentence 4 is corrected by substituting the following sentence:

It is reasonable to conclude that all 119 cultural items listed here were intended to rest as funerary objects and were obtained from burial mounds.

In the **Federal Register** (80 FR 6539, February 5, 2015), paragraph 9, sentence 1 is corrected by substituting the following sentence:

Officials of the Beneski Museum of Natural History, Amherst College have determined that:

• Pursuant to 25 U.S.C. 3001(3)(B), the 119 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Tekla Harms, NAGPRA Coordinator, Beneski Museum of Natural History, Amherst College, Amherst, MA 01002, telephone (413) 542–2233, email *taharms@amherst.edu,* by May 28, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to the Miccosukee Tribe of Indians may proceed.

The Beneski Museum of Natural History, Amherst College is responsible for notifying the Miccosukee Tribe of Indians that this notice has been published.

Dated: March 20, 2015.

Mariah Soriano,

Acting Program Manager, National NAGPRA Program.

[FR Doc. 2015–09899 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18014; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the

cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to Big Cypress National Preserve. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Big Cypress National Preserve at the address in this notice by May 28, 2015.

ADDRESSES: J.D. Lee, Superintendent, Big Cypress National Preserve, 33110 Tamiami Trail East, Ochopee, FL 34141, telephone (239) 695–1103, email *j_d_lee@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Big Cypress National Preserve.

History and Description of the Cultural Item(s)

On an unknown date prior to the establishment of Big Cypress National Preserve, 442 cultural items were removed from an unnamed site in Collier County, FL, by D.L. Houghton. In 1999, Mr. Houghton donated the objects to Big Cypress National Preserve and indicated to park staff the location of their removal. The whereabouts of the human remains is not known. The 442 unassociated funerary objects are 439 glass beads, 1 beaded silver bracelet, 1 wire beaded bracelet, and 1 metal knife.

The unnamed site exhibits evidence of historic Seminole/Miccosukee occupation including glass, metal, and a number of chickee structures. Both the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) have indicated that the items were types used in funerary contexts.

Determinations Made by Big Cypress National Preserve

Officials of Big Cypress National Preserve have determined that*:*

- Pursuant to 25 U.S.C. 3001(3)(B), the 442 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to J.D. Lee, Superintendent, Big Cypress National Preserve, 33110 Tamiami Trail East, Ochopee, FL 34141, telephone (239) 695–1103, email *j_d_lee@nps.gov,* by May 28, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) may proceed.

Big Cypress National Preserve is responsible for notifying the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) that this notice has been published.

Dated: March 26, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09942 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18016;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Petrified Forest National Park, Petrified Forest, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Petrified Forest National Park, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Petrified Forest National Park. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Petrified Forest National Park at the address in this notice by May 28, 2015.

ADDRESSES: Brad Traver, Superintendent, Petrified Forest National Park, Box 2217, Petrified Forest, AZ 86028, telephone (928) 524–6228 x225, email *brad_traver@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Petrified Forest National Park, Petrified Forest, AZ. The human remains and associated funerary objects were removed from Petrified Forest National Park, Apache and Navajo Counties, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Petrified Forest National Park.

Consultation

A detailed assessment of the human remains was made by Petrified Forest National Park professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; Pueblo of Santa Ana, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Consulted Tribes'').

The following tribes were invited to consult, but did not participate: Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Fort Mojave Indian Tribe of Arizona, California & Nevada; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pascua Yaqui Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tohono O'odham Nation of Arizona; Tonto Apache Tribe of Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona (hereafter referred to as ''The Invited Tribes'').

History and Description of the Remains

In 1953, human remains representing, at minimum, four individuals were removed from AZ Q:1:3 in Apache County, AZ, by Fred Wendorf as part of his doctoral research at Harvard University. The human remains and associated funerary objects are in the physical custody of the Museum of Northern Arizona (MNA) in Flagstaff, AZ. No known individuals were identified. The 2,107 associated funerary objects are 13 pottery bowls, 1 mineral (galena), 6 pottery jars (some fragmentary), 2,057 shell beads, 1 stone pendant, 2 stone scrapers, 1 shell pendant, 25 basket fragments, and 1 blanket.

In 1985, human remains representing, at minimum, one individual were removed from AZ Q:1:58 in Apache County, AZ during legally authorized excavations. No known individuals were identified. The one associated funerary object is a pottery bowl.

In 1988, human remains representing, at minimum, two individuals were removed from AZ Q:1:226 in Navajo County, AZ, during legally authorized archeological survey and site recordation. No known individuals were identified. The 11 associated funerary objects are 2 pottery bowls, 3 pottery jars, and 6 shell beads.

Archeological site context and types of funerary objects suggest that all three sites were occupied by ancestral Puebloan peoples. Ethnographic and archeological evidence, including burial orientation, body position, and the type and placement of the associated funerary objects, indicates that the mortuary practices of these ancestral Puebloan peoples correspond closely with those of the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Determinations Made by Petrified Forest National Park

Officials of Petrified Forest National Park have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2,119 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Brad Traver, Superintendent, Petrified Forest National Park, Box 2217, Petrified Forest, AZ 86028, telephone (928) 524–6228 x225, email *brad_traver@nps.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

Petrified Forest National Park is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: March 26, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09939 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18035;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State Historical Society of Iowa, Iowa City, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Historical Society of Iowa has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the human remains and present-day Indian tribes. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the State Historical Society of Iowa. If no additional requestors come forward, transfer of control of the

human remains to the Indian tribes stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the State Historical Society of Iowa at the address in this notice by May 28, 2015.

ADDRESSES: Jerome Thompson or NAGPRA Coordinator, State Historical Society of Iowa, 600 East Locust, Des Moines, IA 50319, telephone (515) 281–4221, email *jerome.thompson@iowa.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the State Historical Society of Iowa, Iowa City, IA. The human remains were removed from unknown locations.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the State Historical Society of Iowa professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota.

History and Description of the Remains

At an unknown date before 1901, human remains representing, at minimum, one individual were removed from an unknown location. The human remains consist of a scalp lock found in the collection of the State Historical Society of Iowa in 1988. Catalog #2274 is attributed to William McMillan and the record indicates the human remains possibly came from Wounded Knee, SD. The McMillan collection of firearms, Native American objects, and other objects was loaned to the State Historical Society of Iowa in 1901 and purchased in 1902. There is no additional information available on the human remains. No known individual was identified. No associated funerary objects are present.

At an unknown date before 1905, human remains representing, at minimum, one individual were removed from an unknown location. The human remains consist of a scalp lock with a short thin braid on a leather patch or tanned skin patch found in the collection of the State Historical Society of Iowa in 1988. Catalog #2456 is attributed to Wallace R. Lesser who was an Indian Agent to the Sac and Fox in Iowa from 1890–1894 and also served in the Dakota Territories. The Lesser collection of Native American objects (mostly Sac and Meskwaki) was purchased by the State Historical Society of Iowa before 1905. A report on the collections in 1905 describes the Lesser collection as ''69 pieces of bead work by the Musqaukie Indians of the Tama reservation.'' There is no additional information available on the human remains. No known individual was identified. No associated funerary objects are present.

At an unknown date before 1937, human remains representing, at minimum, one individual were removed from an unknown location. The human remains consist of a scalp lock with one black braid and an animal fur streamer attached to a leather cylinder found in the collection of the State Historical Society of Iowa in 1988. Catalog #243 does not match any collection record, but does appear on a 1937 inventory of objects displayed in a room of the state museum. There is no additional information available on the human remains. No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals were removed from an unknown location. The human remains consist of one scalp lock of long brownish braids sewn on a leather patch with painted dots on the braids and each braid decorated with quilled ornaments and one scalp lock of seven hair strands with quilled keepers linked together on leather throngs. No catalog numbers are available and both scalp locks were found in the collection of the State Historical Society of Iowa in 1988. There is no additional information available on the human remains. No known individual was identified. No associated funerary objects are present.

Archival records of the State Historical Society of Iowa describe the donation of scalps in 1920 by Mrs. S. D. Ryan. The scalps were acquired by Mrs. Ryan's father, Colonel David S. Wilson, of the 6th Iowa Cavalry, at the battle of Whitestone Hill, Dakota Territory, in September 1863. According to records, the scalps were taken from the possession of a captured Dakota woman. It is likely these scalps are those listed above as the two unnumbered scalp locks and catalog #243.

Determinations Made by the State Historical Society of Iowa

Officials of the State Historical Society of Iowa have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on catalog records and collection practices of the State Historical Society of Iowa.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.11(c)(2)(ii) and the Iowa NAGPRA Process, transfer of control of the human remains will occur according to Iowa law (Code of Iowa 263B.8).

The Office of the State Archaeologist, University of Iowa administers the provisions in the Code of Iowa that provide for any human remains over 150 years old to be reburied in a state cemetery. The Office of the State Archaeologist, University of Iowa, and the State Historical Society of Iowa have under their control the human remains of five Native American individuals whose cultural affiliation is unknown. These human remains are considered ''culturally unidentifiable'' under NAGPRA, 43 CFR 10.10 (g). In 2004, the Iowa Office of the State Archaeologist started to develop a process, in consultation with tribes with a historic interest in Iowa, for the disposition of

culturally unidentifiable human remains. The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains.

In October 2004, the Iowa Office of the State Archaeologist, University of Iowa, the State Historical Society of Iowa, and the Office of the State Archaeologist Indian Advisory Council (a group composed of representatives of Native American tribes in and from Iowa) hosted a tribal conference where 21 federally-recognized tribes and 1 non-federally recognized tribe were invited to develop the process for disposition of culturally unidentifiable human remains and associated funerary objects in possession of the Office of the State Archaeologist, University of Iowa, and the State Historical Society of Iowa, in accordance with Iowa law (Code of Iowa 263B.8). Final drafting of the process was conducted through on-going tribal consultation involving phone calls, mail, and email.

On May 30–31, 2006, the process developed through consultation was considered by the Review Committee. A June 14, 2006, letter on behalf of the Review Committee from the Designated Federal Officer provisionally authorized the Iowa Office of State Archaeologist to proceed with the development of the process for disposition. In 2007, the Iowa Office of State Archaeologist and the tribes completed the NAGPRA process document. A March 25, 2008, letter from the Assistant Secretary for Fish and Wildlife and Parks, as the designee for the Secretary of the Interior, transmitted the authorization for the transfer of control according to provisions of the Code of Iowa 263B.8 and the NAGPRA process document, subject to publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jerome Thompson or NAGPRA Coordinator, State Historical Society of Iowa, 600 East Locust, Des Moines, IA 50319, telephone (515) 281–4221, email *jerome.thompson@iowa.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains will occur according to Iowa law (Code of Iowa 263B.8).

The State Historical Society of Iowa is responsible for notifying the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota that this notice has been published.

Dated: April 2, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09890 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17920; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Museum Division, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society, Museum Division, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society, Museum Division. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical Society, Museum Division, at the address in this notice by May 28, 2015.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, Museum Division, Madison, WI 53703–2707, telephone (608) 264–6434, email *jennifer.kolb@wisconsinhistory.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Museum Division, Madison, WI. The human remains and associated funerary objects were removed from Grant's Point Chippewa Cemetery on Madeline Island, Ashland County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society, Museum Division, professional staff in consultation with representatives of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Sokaogon Chippewa Community, Wisconsin; and the St. Croix Chippewa Indians of Wisconsin.

History and Description of the Remains

In 1961, human remains representing, at minimum, two individuals (2009.35.AS12 C3584–C3588, C3590–C3594, C3596–C3600; 2009.35.AS12 C3589, C3605–C3608, C3610–C3615, plus one additional unlabeled related fragment F2003.25.2.1) were removed from Grant's Point Chippewa Cemetery in Ashland County, WI. Leland Cooper from Hamline University in Minnesota, along with several archeology students, excavated the Grant's Point Chippewa Cemetery site (47–AS–0012). A single burial was excavated by Cooper's students with the aid of collector Al Galazen; a single skull fragment constitutes the second individual. The remains and funerary objects were then transferred to the Science Museum of Minnesota. In the mid-1970s, the remains and funerary objects were transferred to the Wisconsin Historical Society. No known individuals were identified. The 31 associated funerary objects include 4 brass buttons; 5 silver brooches; 1 collection of white glass beads; 1 lot of fabric fragments; 1 lead and silver brooch fragments; 1 assemblage of hide, bark, wool, silk, thimble, button, and beaded decoration; 1 basket fragment; 1 silver ring; 1 musket ball; 3 gunflint flakes; 1 steel fire striker; 1 set of tweezers; 1 lot of metal awl fragments; 1 knife blade; 1 shot and brooch mold; 1 lead fragment; 1 lot of birchbark fragments; 1 lot of cedar wood fragments and square nails; 1 brass kettle bail; 1 lot of scrapings from brass kettle; 1 brass pail with missing handle; and 1 tin pan.

A relationship of shared group identity that can be reasonably traced between these human remains and funerary objects and the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin, and the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin who are known to have inhabited the region during the Historic Period. The Grant's Point Chippewa Cemetery site was a small Ojibwe cemetery that has an adjacent Ojibwe village that was in use from the late 18th to early 19th century. Consultation resulted in the identification of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin, and the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin as direct descendants of the occupants of the village on Madeline Island.

Determinations Made by the Wisconsin Historical Society, Museum Division

Officials of the Wisconsin Historical Society, Museum Division, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 31 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin, and the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, Museum Division, Madison, WI 53703–2707, telephone (608) 264–6434, email *Jennifer.kolb@wisconsinhistory.org,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin, and the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin may proceed.

The Wisconsin Historical Society, Museum Division is responsible for notifying the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Sokaogon Chippewa Community, Wisconsin; and the St. Croix Chippewa Indians of Wisconsin that this notice has been published.

Dated: March 9, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09909 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17932;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA, and Notice of Intent To Repatriate Cultural Items: California State University, Sacramento, Sacramento, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The California State University, Sacramento has corrected a Notice of Inventory Completion and a Notice of Intent to Repatriate Cultural Items published in the **Federal Register** on February 4, 2015. This notice corrects the Indian tribes determined to be cultural affiliated in both notices. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and cultural items should submit a written request to the California State University, Sacramento. If no additional requestors come forward, transfer of control of the human remains and cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and cultural items should submit a written request with information in support of the request to the California State University, Sacramento at the address in this notice by May 28, 2015.

ADDRESSES: Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and the correction of

a notice of intent to repatriate cultural items under the control of the California State University, Sacramento, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the Indian tribes listed as cultural affiliated as published in a Notice of Inventory Completion in the **Federal Register** (80 FR 6118, February 4, 2015) and a Notice of Intent to Repatriate in the **Federal Register** (80 FR 6130, February 4, 2015). The notices should have listed the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok as culturally affiliated. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (80 FR 6118, February 4, 2015) paragraph 16, sentence 1 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes).

In the **Federal Register** (80 FR 6118, February 4, 2015) paragraph 17, sentence 2 is corrected by substituting the following sentence:

After that date, if no additional requestors have come forward, transfer of control of the human remains to Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes) may proceed.

In the **Federal Register** (80 FR 6130, February 4, 2015) paragraph 15, sentence 1 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes).

In the **Federal Register** (80 FR 6130, February 4, 2015) paragraph 16, sentence 2 is corrected by substituting the following sentence:

After that date, if no additional requestors have come forward, transfer of control of the human remains to the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes) may proceed.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these human remains and cultural items should submit a written request with information in support of the claim to Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and cultural items to the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes) may proceed.

California State University, Sacramento is responsible for notifying the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Miwok Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok that this notice has been published.

Dated: March 19, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09897 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17923;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum (SBCM) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the SBCM. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the SBCM at the address in this notice by May 28, 2015.

ADDRESSES: Leonard X. Hernandez, Interim Director, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 387–2220, email *leonard.hernandez@lib.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the sole control of the San Bernardino County Museum. The human remains were removed from the Temeeku site in Riverside County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of SBCM that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the San Bernardino County Museum's professional staff; Dr. Adella Schroth, Curator of Anthropology (retired) and Eric Scott, Curator of Paleontology, in consultation with representatives of the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Dr. Alexis Gray, Forensic Anthropologist; San Diego State University's Dr. Arion Mayes, Skeletal Biology, Dental Anthropology and Forensic Anthropology.

History and Description of the Remains

Between 1950 and 1955, human remains representing, at minimum, 2 individuals were removed from the Temeeku site in Riverside County, CA. The human remains were brought into the SBCM's holdings in the early 1950s. The human remains are stored in 16 boxes and include tens of thousands of individual artifacts. No known individuals were identified. No associated funerary objects are present.

The documentation of the excavations is extensive and published in the following: McCown, B.E. *Temeku A Page from the History of the Luiseño Indians.* Redlands, CA: Archaeological Survey Association of Southern California. 1955; Chartkoff, J.K. and L. Kona. *Site Record: Ca-Riv-50.* Record on file, Eastern Information Center. 1965; Stein, M. *Site Record: Ca-Riv-50.* Record on file, Eastern Information Center. 1981; Bowles, L.L. *Site Record: Ca-Riv-50.* Record on file, Eastern Information Center. 1982; Bowden, Cheryl. *Site Record: P–33–000050.* Record on file, The Resource Agency Department of Parks and Recreation Primary Record, California. 2002; Carrico, Richard. *Strangers in a Stolen Land: Indians in San Diego County from Prehistory to the New Deal.* 2nd edition. San Diego: Sunbelt Publications. 2008; Masiel-Zamora, Myra Ruth. *Analysis Of 'Éxva Teméeku, A Luiseño Indian Village Site Named Temeku, Located In Temecula, California.* M.A. Thesis, San Diego State University, Anthropology Department. 2013.

The human remains were removed from a known Luiseno village site located near Temecula, CA. Archeological records compiled during the excavation confirm that the site, Temeeku, is directly related to the Luiseno people. Consultation with the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California, Cultural Resources Department; Dr. Alexis Gray, Forensic Anthropologist; San Diego State University's Dr. Arion Mayes, Skeletal Biology, Dental Anthropology and Forensic Anthropology, has confirmed the location and cultural affiliation of this site with the Luiseno people. The estimated age of the materials from the site represent two distinct periods: Pre-European Contact, circa 1000 C.E., and Spanish Colonization through Mexican Era California, 1769–1848. The Temeeku Site was utilized as both a village site as well as a funeral cremation site by the Luiseno Indians.

Determinations Made by the San Bernardino County Museum

Officials of the SBCM have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation); Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; and the Soboba Band of Luiseno Indians, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Leonard X. Hernandez, Interim Director, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 387–2220, email *leonard.hernandez@lib.sbcounty.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation); Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the

Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; or the Soboba Band of Luiseno Indians, California may proceed.

The San Bernardino County Museum is responsible for notifying the La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation); Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; and the Soboba Band of Luiseno Indians, California that this notice has been published.

Dated: March 10, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09927 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18042;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum, University of Washington (Burke Museum), has completed an inventory of human remains and associated funerary object, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary object to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to the Burke Museum at the address in this notice by May 28, 2015.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 x2, email *plape@uw.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary object under the control of the Burke Museum, Seattle, WA. The human remains and associated funerary object were removed from Dutch Harbor, Amaknak Island, Aleutians East Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum professional staff in consultation with representatives of Qawalangin Tribe of Unalaska.

History and Description of the Remains

In 1943, human remains representing, at minimum, one individual were removed from a sandpit two miles south of the entrance to Dutch Harbor on Unalaska or Amaknak Island, Aleutians East Borough, AK. These human remains were collected by Charles Joseph Zemalis, who was enlisted in the U.S. Navy at the time, and accessioned by the Burke Museum in 1946 (Burke Accn. #3427). The accession record noted the human remains came from 30 inches beneath the surface in a midden, along with a bone point.

In 1974, several sets of human remains, including Burke Accn. #3427, were transferred to Seattle University from the Burke Museum. Sometime after that, the human remains were supposedly found in a warehouse and were later given to the New York State Police by a woman who claimed her deceased husband found the human remains in Seattle. The human remains were then given to the Washington State Physical Anthropologist Dr. Guy Tasa, who determined that the human remains were originally from the Burke Museum's collection and returned them to the Burke in 2010. No known individuals were identified. The one associated funerary object is a bone point, which has been in the Burke's collections since 1946.

The human remains have been determined to be Native American based on osteological and archeological evidence. While the exact site from which these human remains were removed is unknown, the area around Unalaska Bay and Dutch Harbor has numerous documented archeological sites occupied by the Aleut (Unangan) people (Damas, 1984; McCartney, 1998). Most of these sites are deep midden deposits that date from historic times back 4000 years. During World War II, many of these sites, especially on Amaknak Island, were impacted by military projects, and soldiers were known to have collected material (McCartney, 1998). The one bone point funerary object is consistent with material culture from the region and time period (Damas, 1984; McCartney, 1998). The modern day descendants of the Unalaska Bay Aleut (Unangan) are members of the Qawalangin Tribe of Unalaska.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary object and the Qawalangin Tribe of Unalaska.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box

353101, Seattle, WA 98195, telephone (206) 685–3849 x2, email *plape@uw.edu,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to Qawalangin Tribe of Unalaska may proceed.

The Burke Museum is responsible for notifying the Qawalangin Tribe of Unalaska that this notice has been published.

Dated: April 2, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09922 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18043; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum, University of Washington (Burke Museum), has completed an inventory of human remains and associated funerary object, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary object and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary object to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to the Burke Museum at the address in this notice by May 28, 2015.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary object under the control of the Burke Museum, Seattle, WA. The human remains and associated funerary object were removed from Douglas County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Wanapum Band of Priest Rapids, a non-federally recognized Indian group.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were believed to have been removed from Douglas County, WA. In 1995, the human remains were found in the collection with little or no provenience information. A search of accession records and archival documents produced no matches to known human remains collected from Douglas County. These human remains are fragmentary and heavily weathered; they may have been collected from the surface. Douglas County has many sites along the Columbia River in which human remains have been found eroding out from sites. No known individuals were identified. The one associated funerary object is a deer bone.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological evidence and museum collecting and accessioning history.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary object and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains and associated funerary object were removed is the aboriginal land of the Sanpoil-Nespelem and Okanogan who are represented by the Confederated Tribes of the Colville Reservation, and by the Yakama who are represented by the Confederated Tribes and Bands of the Yakama Nation.
- Treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains and associated funerary object were removed is the aboriginal land of the Confederated Tribes and Bands of the Yakama Nation and the Confederated Tribes of the Colville Reservation.
- Other authoritative governmental sources indicate that the land from which the Native American human remains and associated funerary object were removed is the aboriginal land of the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Wanapum Band, a non-federally recognized Indian group.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary object may be to the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Wanapum Band, a non-federally recognized Indian group (if joined to one or more of the tribes).

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206)

685–3849 x2, email *plape@uw.edu,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Wanapum Band, a non-federally recognized Indian group (if joined to one or more of the tribes) may proceed.

The Burke Museum is responsible for notifying the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Wanapum Band, a non-federally recognized Indian group, that this notice has been published.

Dated: April 2, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09865 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18066; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology has completed an inventory of associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the Robert S. Peabody Museum of Archaeology. If no additional requestors come forward, transfer of control of the associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the Robert S. Peabody Museum of Archaeology at the address in this notice by May 28, 2015.

ADDRESSES: Dr. Ryan J. Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA. The associated funerary objects were removed from the Nevin site at Blue Hill in Hancock County, ME.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians); Houlton Band of Maliseet Indians; Passamaquoddy Tribe; and the Penobscot Nation (previously listed as the Penobscot Tribe of Maine).

History and Description of the Associated Funerary Objects

In 1936 and 1937, human remains representing, at minimum, 19 individuals were removed from the Nevin site, Hancock County, ME. The Nevin site is located on Mill Island in the town of Blue Hill, along Blue Hill Bay. The site was investigated by Douglas Byers and Frederick Johnson as part of their study of the Nevin shell mound from 1936 through 1940; in March 1941, the human remains were transferred on loan to the Peabody Museum of Archaeology and Ethnology at Harvard University, Cambridge, MA (a completely separate institution from the Robert S. Peabody Museum of Archaeology and referred to here as the Harvard Peabody) and control was transferred in two separate instances on June 28, 1989 and August 8, 1997. The Robert S. Peabody Museum of Archaeology retained control of the associated funerary objects. Byers describes the excavation of twelve graves containing the burials of 22 to 27 individuals; in some cases human remains were not collected. The Harvard Peabody has detailed information on the human remains; also see the Harvard Peabody's two entries for ''Bluehill Falls, Nevin Shellheap'' in the Culturally Unidentifiable (CUI) Native American Inventories Database maintained on the National NAGPRA Program Web site. The 462 associated funerary objects are stone adze (4), antler tool (2), birch bark fragment (9), pileated woodpecker beak (1), beaver tooth and tooth fragments (16), stone biface (1), faunal remains, teeth and bone fragments (188), animal teeth and fragments (31), antler flaking tool (1), bone flaking tool (1), bird bone flute (1), harpoon foreshaft (3), stone gouge (3), hammerstone (6), animal tooth, incisor (4), mink jaw fragments (2), modified mineral fragments, iron (1), red ochre and soil (1), bone pendant (2), perforated animal teeth and fragments (34), perforators, awls, daggers, pikes, knives, and needles of bone, including fragments (100), stone plummet (6), bone point (2), stone bayonet and fragments (2), bone harpoons (9), stone projectile point (1), polishing stone (1), iron pyrites (9), scraper or flesher of bone (1), soil sample (2), swordfish rostrum (1), deer antler socket (1), unmodified stone (1), porpoise vertebra and fragments (12), and hammerstone and iron pyrites with fragments (3). An additional 52 associated funerary objects are currently missing; the missing associated funerary objects are beaver tooth (2), biface (3), animal bone fragment (4), stone gouge (1), miscellaneous faunal remains (18), perforated animal tooth fragments (16), bone perforator (6), and bone point (2).

Information about the Nevin site is found in Douglas Byers's report, *The Nevin Shellheap: Burials and Observations* (1979), in the extensive fieldnotes of the Nevin site project on file at the Robert S. Peabody Museum of Archaeology, Lesley Shaw's article ''A Biocultural Evaluation of the Skeletal Population from the Nevin Site, Blue Hill, Maine'' (1988), Brian Robinson's Ph.D. dissertation *Burial Ritual, Groups, and Boundaries on the Gulf of Maine, 8600–3800 B.P.* (2001), Bruce J. Bourque and Harold W. Krueger's book chapter ''Dietary Reconstruction from Human Bone Isotopes for Five Coastal New England Populations'' (1994), and in the files of the Maine Historic Preservation

Commission, Maine Archaeological Survey (site #042.001). Byers suggests that the site was associated with a tidal reversing falls, an unusual natural phenomenon created by tidal flow funneled through a narrow channel, creating high standing waves. Radiocarbon dates and material culture affirm that the Nevin site burials are part of the Late Archaic Late Moorehead Burial Tradition, circa 4,000 to 3,700 B.P. Burial in a shell mound contributed to preservation of both the human remains and associated funerary objects of animal bone. Occupation of the Nevin shell mound pre-dates the interments and continued well into the Woodland period. At least one of the burials from Nevin is believed to be from this later Woodland occupation (see Shaw, 1988).

Affiliation of the Nevin site associated funerary objects with the contemporary Wabanaki tribes is based on the following lines of evidence: geographical, biological, archeological, linguistic, folklore, and oral tradition. Oral history narratives that place the origins of the Penobscot, Passamaquoddy, and Maliseet in Maine are often tied to specific places, landscape features, and ecological zones characteristic of Maine. These oral history narratives are significant in affiliating the Penobscot, Passamaquoddy, and Maliseet with the Nevin site, especially as archeological evidence is equivocal regarding connections. Long term occupation and re-occupation of places, like the Nevin site, along with the significance of place-names, canoe and trail routes, and landscape features reaffirm Wabanaki connections and may reflect more ancient traditions of aggregation in certain places. Contemporary archeological theory recognizes that shell mounds, like the Nevin site, as symbolically charged and highly visible monuments, and also recognize the long temporal use of such monuments (for example, see Paul R. Fish et al. on shell mounds as persistent places in the 2013 book *The Archaeology and Historical Ecology of Small Scale Economies,* edited by Victor D. Thompson and James C. Waggoner Jr.). Continuity between ancient and contemporary indigenous people is supported by the long temporal occupation of the Nevin shell mound by both Archaic and Woodland cultures.

Archeologist Bonnie Newsom (2008) conducted interviews with Maine archeologists regarding their ideas and opinions on NAGPRA and affiliation, especially as it relates to the 1000 year rule proposed by the Maine Historical Commission. The opinions of archeologists range from absolute certainty that there is no way to affiliate the Nevin site with contemporary tribes to more moderate views that recognize the archeological evidence is equivocal. One archeologist interviewed by Newsom expressed the opinion that the Susquehanna Tradition did represent an intrusion into the area that lasted for about 1,000 years and cited their research on bone artifacts to support this statement. That archeologist further noted it seemed unlikely that the more ancient population had been completely replaced by Susquehanna people.

Anthropological perspectives regarding affiliation of the Wabanaki peoples with the cultures of the Late Archaic are consistent with the contemporary viewpoint of the Wabanaki. Three anthropologists who have worked closely with the Wabanaki were interviewed about the affiliation of contemporary Maine tribes and the Moorehead Tradition; all three stated that Wabanaki oral tradition is a reliable source of information and that narratives are often tied to specific landscape features, with language and stories reflecting a long presence in Maine. Additional information about each line of evidence used in this determination is on file at the Robert S. Peabody Museum of Archaeology.

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 514 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Only the 462 associated funerary objects that have been located are eligible for transfer of control at this time.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American associated funerary objects and the Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians); Houlton Band of Maliseet Indians; Passamaquoddy Tribe; and the Penobscot Nation (previously listed as the Penobscot Tribe of Maine).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Dr. Ryan J. Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to the Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians); Houlton Band of Maliseet Indians; Passamaquoddy Tribe; and the Penobscot Nation (previously listed as the Penobscot Tribe of Maine) may proceed.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians); Houlton Band of Maliseet Indians; Passamaquoddy Tribe; and the Penobscot Nation (previously listed as the Penobscot Tribe of Maine) that this notice has been published.

Dated: April 7, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09911 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17918; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum (Burke Museum) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or

Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Burke Museum at the address in this notice by May 28, 2015.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 x2, *plape@uw.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Burke Museum, University of Washington, Seattle, WA. The human remains were removed from Eliza Island, Whatcom County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation; the Nooksack Indian Tribe; and the Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington).

History and Description of the Remains

In 1964, human remains representing, at minimum, one individual were removed from 45–WH–61 on Eliza Island, Whatcom County, WA. These remains were found by Richard C. Anderson of Eastgate Realty Company while bulldozing for a runway on Eliza Island. The remains were brought to the Burke Museum for identification and then donated to the museum in 1965 (Burke Accn. #1965–27). No known individuals were identified. No funerary objects are present.

The human remains have been determined to be Native American based on osteological and archeological evidence. Site 45–WH–61is a pre-contact shell midden site on Eliza Island, a small island located less than a mile to the east of Lummi Island in Whatcom County, WA. Historical and anthropological sources state that Eliza Island is within the traditional territory of the Lummi (Amoss 1978, Stern 1934, Suttles 1951, and Termaine 1975). Lummi Island was determined by the Indian Claims Commission to be within the aboriginal territory of the Lummi. The Lummi were signatories to the 1855 Point Elliot Treaty and today are represented by the Lummi Tribe of the Lummi Reservation.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Lummi Tribe of the Lummi Reservation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 x2, *plape@uw.edu,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Lummi Tribe of the Lummi Reservation may proceed.

The Burke Museum is responsible for notifying the Lummi Tribe of the Lummi Reservation; the Nooksack Indian Tribe; and the Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington) that this notice has been published.

Dated: February 26, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09900 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18019; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, De Soto National Memorial, Bradenton, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, De Soto National Memorial has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to De Soto National Memorial. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to De Soto National Memorial at the address in this notice by May 28, 2015.

ADDRESSES: Jorge Acevedo, Superintendent, De Soto National Memorial, P.O. Box 15390, Bradenton, FL 34280, telephone (941) 791–0458, email *jorge_acevedo@nps.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Department of the Interior, National Park Service, De Soto National Memorial, Bradenton, FL. The human remains were removed from unknown sites in Manatee County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, De Soto National Memorial.

Consultation

A detailed assessment of the human remains was made by De Soto National Memorial professional staff in consultation with representatives of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

History and Description of the Remains

On an unknown date, human remains representing, at minimum, two individuals were removed from an unknown site in Manatee County, FL, by a park visitor. In 2003, these remains were discovered in the De Soto National Memorial archives. No known individuals were identified. No associated funerary objects are present.

In the 1940s and 1950s, human remains representing, at minimum, three individuals were removed from unknown sites in Manatee County, FL, by a park visitor. The remains were donated to De Soto National Memorial in 1997. No known individuals were identified. No associated funerary objects are present.

Information from the collectors indicates that the remains were probably removed from Shaw's Point site. The Shaw's Point site is a midden containing materials from the Woodland to Mississippian period (circa 1000 B.C.–A.D. 1650).

Determinations Made by De Soto National Memorial

Officials of De Soto National Memorial have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological context and age.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jorge Acevedo, Superintendent, De Soto National Memorial, P.O. Box 15390, Bradenton, FL 34280, telephone (941) 791–0458, email *jorge_acevedo@nps.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) may proceed.

De Soto National Memorial is responsible for notifying the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) that this notice has been published.

Dated: March 31, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09931 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17921; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arkansas Archeological Survey has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on December 22, 2014. This notice corrects the number of associated funerary objects listed in that notice. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by May 28, 2015.

ADDRESSES: George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Arkansas Archeological Survey. The human remains and associated funerary objects were removed from multiple counties in Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (79 FR 76351–76361, December 22, 2014). In preparing the associated funerary objects for transfer, discrepancies were discovered in the count of associated funerary objects. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 8, sentence 3 is corrected by substituting the following sentence:

The nine associated funerary objects include nine fragments of two different ceramic vessels.

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 79, sentence three and four are corrected by substituting the following sentences:

No associated funerary objects are present. Diagnostic artifacts found at site 3MS4 indicate that these human remains were

probably buried during the Late Woodland and Early Mississippian periods (A.D. 750–950)

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 111, sentence 3 is corrected by substituting the following sentence:

The two associated funerary objects include one Neeley's Ferry Plain bottle and one Neeley's Ferry Plain effigy bowl.

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 113, sentence 3 is corrected by substituting the following sentence:

The eight associated funerary objects include two ceramic bottles, five vessels, and one jar.

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 128, sentence 3 is corrected by substituting the following sentence:

The 158 associated funerary objects include one Barton incised ''Helmet-like'' bowl, one Bell Plain jar, five Mississippi Plain ''Helmet'' bowls, two Mississippi Plain ''Helmet'' jars, 23 shell beads, two Old Town red bottles, five pieces of red ochre, three Nodena arrow point preform fragments, one grooved sandstone maul, one Wallace Incised var unspec bowl, one quartz crystal, one Avenue Polychrome var unspec bottle, one engraved siltstone pendant, one sandstone rubbing/polishing stone, 14 tubular metal beads, three untyped arrow point, four Nodena arrow points, two Old Town red ''Helmet'' bowl, two Mississippi Plain miniature deep bowls, eight glass beads, 71 metal and brass beads, two metal tinkle cones, one perforator/graver, one Old Town red effigy bowl, one thumbnail scraper, and one plain jar.

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 132, sentence 3 is corrected by substituting the following sentence:

The one associated funerary object is a gorget.

In the **Federal Register** (79 FR 76351–76361, December 22, 2014), paragraph 161 is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C. 3001(3)(A), the 214 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Quapaw Tribe of Indians may proceed.

The Arkansas Archeological Survey is responsible for notifying The Quapaw Tribe of Indians that this notice has been published.

Dated: March 4, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09929 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18044; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arizona State Museum, University of Arizona, has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arizona State Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arizona State Museum at the address in this notice by May 28, 2015.

ADDRESSES: John McClelland, NAGPRA Coordinator, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–2950.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Arizona State Museum, Tucson, AZ (ASM). The human remains were removed from sites within the boundaries of the Fort Apache Indian Reservation, Gila and Navajo Counties, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the ASM professional staff in consultation with representatives of the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In 1987, fragmentary human remains representing, at minimum, three individuals were removed from the Hilltop Ruin Site, AZ P:14:12(ASM) in Navajo County, AZ, during a legally-authorized survey conducted by the University of Arizona Archaeological Field School. The human remains were collected by field school staff during survey of several sites that had been subjected to vandalism. The human remains were brought to the University of Arizona at the conclusion of the field school, but were not accessioned at that time. The human remains were rediscovered by Arizona State Museum curators in 2014. No known individuals were identified. No associated funerary objects are present.

The Hilltop Ruin is a pueblo site of 75 to 100 rooms. The ceramic types indicate that the village was occupied during the period A.D. 1300 to 1400. These characteristics are consistent with the archeologically described Upland Mogollon or prehistoric Western Pueblo traditions.

In 1987, fragmentary human remains representing, at minimum, two individuals were removed from an unnamed site, AZ V:2:22(ASM) in Navajo County, AZ, during a legally-authorized survey conducted by the University of Arizona Archaeological Field School. The human remains were

collected by field school staff during survey of several sites that had been subjected to vandalism. The human remains were brought to the University of Arizona at the conclusion of the field school, but were not accessioned at that time. The human remains were rediscovered by Arizona State Museum curators in 2014. No known individuals were identified. No associated funerary objects are present.

AZ V:2:22(ASM) is described as a small pueblo site with a large quantity of surface pottery fragments and possibly including garden plots. Based on the ceramic assemblage, the site likely dates to the late Mogollon period. These characteristics are consistent with the archeologically described Upland Mogollon or prehistoric Western Pueblo traditions.

In 1987, fragmentary human remains representing, at minimum, one individual were removed from Canyon Butte Pueblo, AZ V:2:49(ASM) in Gila County, AZ, during a legally-authorized survey conducted by the University of Arizona Archaeological Field School. The human remains were collected by field school staff during survey of several sites that had been subjected to vandalism. The human remains were brought to the University of Arizona at the conclusion of the field school, but were not accessioned at that time. The human remains were rediscovered by Arizona State Museum curators in 2014. No known individuals were identified. No associated funerary objects are present.

Canyon Butte Pueblo is an L-shaped masonry building of 40 to 65 rooms, with a walled plaza. The architectural forms and ceramic types indicate that the village was occupied during the period A.D. 1275–1400. These characteristics are consistent with the archeologically described Upland Mogollon or prehistoric Western Pueblo traditions.

A detailed discussion of the basis for cultural affiliation of archeological sites in the region where the above sites are located may be found in ''Cultural Affiliation Assessment of White Mountain Apache Tribal Lands (Fort Apache Indian Reservation),'' by John R. Welch and T.J. Ferguson (2005). To summarize, archeologists have used the terms Upland Mogollon or prehistoric Western Pueblo to define the archeological complexes represented by the sites listed above. Material culture characteristics of these traditions include a temporal progression from earlier pit houses to later masonry pueblos, villages organized in room blocks of contiguous dwellings associated with plazas, rectangular kivas, polished and paint-decorated ceramics, unpainted corrugated ceramics, inhumation burials, cradleboard cranial deformation, grooved stone axes, and bone artifacts. The combination of the material culture attributes and a subsistence pattern, which included hunting and gathering augmented by maize agriculture, helps to identify an earlier group. Archeologists have also remarked that there are strong similarities between this earlier group and present-day tribes included in the Western Pueblo ethnographic group, especially the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico. The similarities in ceramic traditions, burial practices, architectural forms, and settlement patterns have led archeologists to believe that the prehistoric inhabitants of the Mogollon Rim region migrated north and west to the Hopi mesas, and north and east to the Zuni River Valley. Certain objects found in Upland Mogollon archeological sites have been found to have strong resemblances to ritual paraphernalia that are used in continuing religious practices by the Hopi and Zuni. Some petroglyphs on the Fort Apache Indian Reservation have also persuaded archeologists of continuities between the earlier identified group and current-day Western Pueblo people. Biological information from the site of Grasshopper Pueblo, which is located in close proximity to the sites listed above, supports the view that the prehistoric occupants of the Upland Mogollon region had migrated from various locations to the north and west of the region.

Hopi and Zuni oral traditions parallel the archeological evidence for migration. Migration figures prominently in Hopi oral tradition, which refers to the ancient sites, pottery, stone tools, petroglyphs, and other artifacts left behind by the ancestors as ''Hopi Footprints.'' This migration history is complex and detailed, and includes traditions relating specific clans to the Mogollon region. Hopi cultural advisors have also identified medicinal and culinary plants at archeological sites in the region. Their knowledge about these plants was passed down to them from the ancestors who inhabited these ancient sites. Migration is also an important attribute of Zuni oral tradition, and includes accounts of Zuni ancestors passing through the Upland Mogollon region. The ancient villages mark the routes of these migrations. Zuni cultural advisors remark that the ancient sites were not abandoned. People returned to these places from time to time, either to reoccupy them or for the purpose of religious pilgrimages—a practice that has continued to the present-day. Archeologists have found ceramic evidence at shrines in the Upland Mogollon region that confirms these reports. Zuni cultural advisors have names for plants endemic to the Mogollon region that do not grow on the Zuni Reservation. They also have knowledge about traditional medicinal and ceremonial uses for these resources, which has been passed down to them from their ancestors. Furthermore, Hopi and Zuni cultural advisors have recognized that their ancestors may have been co-resident at some of the sites in this region during their ancestral migrations.

There are differing points of view regarding the possible presence of Apache people in the Upland Mogollon region during the time that these ancient sites were occupied. Some Apache traditions describe interactions with Ancestral Puebloan people during this time, but according to these stories, Puebloan people and Apache people were regarded as having separate identities. The White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, does not claim cultural affiliation with the human remains from these ancestral Upland Mogollon sites. As reported by Welch and Ferguson (2005), consultations between the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, and the Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; and Pueblo of Laguna, New Mexico, have indicated that none of these tribes wish to pursue claims of affiliation with sites on White Mountain Apache Tribal lands. Finally, the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, supports the repatriation of human remains from these ancestral Upland Mogollon sites and is ready to assist the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico, in their reburial.

Determinations Made by the Arizona State Museum

Officials of the Arizona State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 6 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human

remains and the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to John McClelland, NAGPRA Coordinator, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–2950, by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Arizona State Museum is responsible for notifying the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: April 2, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09863 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18065; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: School for Advanced Research, Indian Arts Research Center, Santa Fe, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The School for Advanced Research, Indian Arts Research Center, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects and objects of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the School for Advanced Research, Indian Arts Research Center. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the School for Advanced Research, Indian Arts Research Center at the address in this notice by May 28, 2015.

ADDRESSES: Brian Vallo, Director, School for Advanced Research, Indian Arts Research Center, P.O. Box 2188, Santa Fe, NM 87504–2188, telephone (505) 954–7271, email *vallo@sarsf.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the School for Advanced Research, Indian Arts Research Center, Santa Fe, NM, that meet the definition of sacred objects and objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1944, Mrs. Frank Applegate donated two kachina masks (IAF.C220 and IAF.C221) and one stone axe with a wooden handle (IAF.C243) to the School for Advanced Research, Indian Arts Research Center. According to documentation, the two masks and the axe belonged to the Jemez Warrior Society at the Pueblo of Jemez. The School for Advanced Research, Indian Arts Research Center has no documentation on how Mrs. Applegate came to own the items.

In 1958, Roy Tilghman donated one round mask (IAF.C282) to the School for Advanced Research, Indian Arts Research Center. According to documentation, the mask is from the Pueblo of Jemez. The School for Advanced Research, Indian Arts Research Center has no documentation on how Mr. Tilghman came to own the item.

The four cultural items have each been identified as both sacred objects and objects of cultural patrimony. Pueblo of Jemez representatives have visited the School for Advanced Research, Indian Arts Research Center on several occasions (including three visits during the years 2008 to 2010) to view many items, including the three kachina masks and the stone axe listed in this notice. The review of the School for Advanced Research, Indian Arts Research Center's documentation, in addition to physical inspections by Pueblo of Jemez representatives, has resulted in confirmation from the Pueblo of Jemez's traditional leaders that the four items are of Pueblo of Jemez origin, supporting cultural affiliation, as well as determining that the four items meet the criteria for both sacred objects and objects of cultural patrimony. The School for Advanced Research, Indian Arts Research Center records, including catalog cards and other provenance information, indicate these objects to be of Pueblo of Jemez origin, further supporting the claim by the Pueblo of Jemez. On December 24, 2014, the Pueblo of Jemez submitted a repatriation request from the Governor for three of the sacred objects and objects of cultural patrimony (IAF.C220, IAF.C221, and IAF.C282, the three kachina masks). On February 19, 2015, the Pueblo of Jemez submitted a repatriation request from the Tribal Cultural Properties Project Manager for the fourth sacred object and object of cultural patrimony (IAF.C243, the stone axe).

Determinations Made by the School for Advanced Research, Indian Arts Research Center

Officials of the School for Advanced Research, Indian Arts Research Center have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 4 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the 4 cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and Pueblo of Jemez, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to

Brian Vallo, Director, School for Advanced Research, Indian Arts Research Center, P.O. Box 2188, Santa Fe, NM 87504–2188, telephone (505) 954–7271, email *vallo@sarsf.org,* by May 28, 2015. After that date, if no additional claimants have come forward, transfer of control of the sacred objects and objects of cultural patrimony to the Pueblo of Jemez, New Mexico, may proceed.

The School for Advanced Research, Indian Arts Research Center is responsible for notifying the Pueblo of Jemez, New Mexico, that this notice has been published.

Dated: April 7, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09864 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18011; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Jean Lafitte National Historical Park and Preserve, New Orleans, LA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of the Interior, National Park Service, Jean Lafitte National Historical Park and Preserve, has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on October 9, 2001. This notice corrects the number and descriptions of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Jean Lafitte National Historical Park and Preserve. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Jean Lafitte National Historical Park and Preserve at the address in this notice by May 28, 2015.

ADDRESSES: Lance Hatten, Superintendent, Jean Lafitte National Historical Park and Preserve, 365 Canal Street, Suite 2400, New Orleans, LA 70130–1142, telephone (504) 589–3882, email *lance_hatten@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of Jean Lafitte National Historical Park and Preserve, New Orleans, LA. The human remains and associated funerary objects were removed from Bayou des Familles, Jefferson Parish, LA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Jean Lafitte National Historical Park and Preserve.

This notice corrects the number and descriptions of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (66 FR 51471, October 9, 2001). Re-evaluation of materials in preparation for repatriation revealed additional funerary objects. In addition, it was discovered that one object had been inadvertently omitted from the published notice and others had not been appropriately described. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (66 FR 51471–51472, October 9, 2001), paragraph four, sentence four is corrected by substituting the following sentence:

The 96 associated funerary objects are 21 fragments of a Baytown Plain ceramic vessel, 1 untyped vessel fragment, 39 shells, 13 muskrat teeth, 11 gar scales, 2 reptile bones, 2 turtle bones, 3 bird bones, and 4 unidentified animal bones.

In the **Federal Register** (66 FR 51471–51472, October 9, 2001), paragraph nine, sentence two is corrected by substituting the following sentence:

The superintendent of Jean Lafitte National Historical Park and Preserve has determined that, pursuant to 43 CFR 10.2 (d)(2), the 96 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Lance Hatten, Superintendent, Jean Lafitte National Historical Park and Preserve, 365 Canal Street, Suite 2400, New Orleans, LA 70130–1142, telephone (504) 589–3882, email *lance_hatten@nps.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Chitimacha Tribe of Louisiana and Tunica-Biloxi Indian Tribe may proceed.

Jean Lafitte National Historical Park and Preserve is responsible for notifying the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Chitimacha Tribe of Louisiana; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Mississippi Band of Choctaw Indians; The Choctaw Nation of Oklahoma; and Tunica-Biloxi Indian Tribe that this notice has been published.

Dated: February 20, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09892 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18015;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations.

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Big Cypress National Preserve. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Big Cypress National Preserve at the address in this notice by May 28, 2015.

ADDRESSES: J.D. Lee, Superintendent, Big Cypress National Preserve, 33110 Tamiami Trail East, Ochopee, FL 34141, telephone (239) 695–1103, email *j_d_lee@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL. The human remains were removed from Big Cypress National Preserve, Collier and Dade Counties, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, Big Cypress National Preserve.

Consultation

A detailed assessment of the human remains was made by Big Cypress National Preserve professional staff in consultation with representatives of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

History and Description of the Remains

At an unknown date, human remains representing, at minimum, two individuals were removed from Panther Mound in Collier County, FL. The remains were removed by a visitor before the establishment of the park. In 1999, the visitor donated the remains to the park. Panther Mound contains material from the Glades II–III (AD 750–1700) and Seminole III (AD 1900–1940) periods. No known individuals were identified. No associated funerary objects are present.

At an unknown date between 1977 and 1981, human remains representing, at minimum, one individual were removed from site 8CR493 in Collier County, FL, which dates to the Late Archaic (3000–1000 BC). The remains were removed from a posthole test on the south edge of the site during a park site survey. No known individuals were identified. No associated funerary objects are present.

In 1977, human remains representing, at minimum, one individual were removed from Hinson Mounds in Collier County, FL. The remains were removed from several spoil piles from the upper levels of Mound A or B during a park site survey. Hinson Mounds contains material from the Glades I (late) to Glades III A period (AD 500–1400). No known individuals were identified. No associated funerary objects are present.

In 1978, human remains representing, at minimum, five individuals were removed from East Crossing Mound in Collier County, FL, which dates to Late Glades II–III (AD 1100–1700). The remains were recovered during a site survey from a shallow test pit previously dug by looters. No known individuals were identified. No associated funerary objects are present.

In 1978, human remains representing, at minimum, one individual were removed from the Komara site in Collier County, FL, which dates to an indeterminate prehistoric period. The remains were removed from a probe test of a sand mound. No known individuals were identified. No associated funerary objects are present.

In 1978, human remains representing, at minimum, one individual were removed from the Orange Blossom site in Collier County, FL, which dates to an indeterminate prehistoric period. The remains were removed from the root spoil of an overturned tree during a site survey. No known individuals were identified. No associated funerary objects are present.

In 1978, human remains representing, at minimum, one individual, were removed from the Big Daddy site in Collier County, FL, which dates to an indeterminate prehistoric period. The remains were removed from a test pit during an excavation of the site. No known individuals were identified. No associated funerary objects are present.

In 1981, human remains representing, at minimum, two individuals were removed from Bear Island Mound in Collier County, FL, which dates to an indeterminate prehistoric period. The remains were removed from test pits excavated during a magnetometer survey. No known individuals were identified. No associated funerary objects are present.

Cultural affiliation of the human remains described above could not be determined due to uncertain burial provenience, lack of culturally affiliated historic artifacts, and/or the antiquity of the remains.

Determinations Made by Big Cypress National Preserve

Officials of Big Cypress National Preserve have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on provenience within known Native American sites and the antiquity of the remains.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)).

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to J.D. Lee, Superintendent, Big Cypress National Preserve, 33110 Tamiami Trail East, Ochopee, FL 34141,

telephone (239) 695–1103, email *j_d_lee@nps.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) may proceed.

Big Cypress National Preserve is responsible for notifying the Miccosukee Tribe of Indians and the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) that this notice has been published.

Dated: March 26, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09940 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18012; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Isle Royale National Park, Houghton, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Isle Royale National Park, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Isle Royale National Park. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Isle Royale National Park at the address in this notice by May 28, 2015.

ADDRESSES: Phyllis Green, Superintendent, Isle Royale National Park, 800 East Lakeshore Drive, Houghton, MI 49931–1896, telephone (906) 482–0984, email *Phyllis_Green@nps.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Isle Royale National Park, Houghton, MI. The human remains and associated funerary objects were removed from Isle Royale National Park in Keweenaw County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, Isle Royale National Park.

Consultation

A detailed assessment of the human remains was made by Isle Royale National Park professional staff in consultation with representatives of the Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota—Bois Forte Band (Nett Lake); Minnesota Chippewa Tribe, Minnesota—Grand Portage Band; Minnesota Chippewa Tribe, Minnesota—Mille Lacs Band; Saginaw Chippewa Indian Tribe of Michigan; and Sault Ste. Marie Tribe of Chippewa Indians, Michigan (hereafter referred to as ''The Consulted Tribes'').

The following tribes were invited to consult, but declined to do so: Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Minnesota Chippewa Tribe, Minnesota—Fond du Lac Band; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and St. Croix Chippewa Indians of Wisconsin (hereafter referred to as ''The Invited Tribes'').

History and Description of the Remains

In 1940 and 1960, human remains representing, at minimum, two individuals were removed from Massee Rockshelter in Keweenaw County, MI. Archeologists Dennis Glen Cooper and Fred Dustin collected remains in 1940. In 1960, additional remains were removed during a University of Michigan Museum of Anthropology archeology project. The remains are small, poorly preserved, and consist mostly of fragments of small bones. No known individuals were identified. The 11 associated funerary objects are 1 biface projectile point and 10 fragmentary bird bones.

The Massee Rockshelter site is the only known Native American burial site located on the main island at Isle Royale National Park. A calibrated radiocarbon date of AD 1270–1400 indicates a Late Woodland, Early Historic time period for the remains. There is insufficient material to make a definitive cultural affiliation determination.

Determinations Made by Isle Royale National Park

Officials of Isle Royale National Park have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the attributes of the prehistoric archeology site from which they were removed.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 11 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The National Park Service intends to convey the associated funerary objects to the tribes pursuant to 16 U.S.C. 18f–2.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of

Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota—Fond du Lac Band; Minnesota Chippewa Tribe, Minnesota—Grand Portage Band; Minnesota Chippewa Tribe, Minnesota—Mille Lacs Band; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and St. Croix Chippewa Indians of Wisconsin.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota—Fond du Lac Band; Minnesota Chippewa Tribe, Minnesota—Grand Portage Band; Minnesota Chippewa Tribe, Minnesota—Mille Lacs Band; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and St. Croix Chippewa Indians of Wisconsin.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Phyllis Green, Superintendent, Isle Royale National Park, 800 East Lakeshore Drive, Houghton, MI 49931–1896, telephone (906) 482–0984, email *Phyllis_Green@nps.gov,* by May 28, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota—Fond du Lac Band, Minnesota; Minnesota Chippewa Tribe, Minnesota—Grand Portage Band; Minnesota Chippewa Tribe, Minnesota—Mille Lacs Band; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and St. Croix Chippewa Indians of Wisconsin may proceed.

Isle Royale National Park is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: March 18, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09868 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17924; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum (SBCM), in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of cultural items under 25 U.S.C. 3001. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the SBCM. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the SBCM at the address in this notice by May 28, 2015.

ADDRESSES: Leonard X. Hernandez, Interim Director, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 387–2220, email *leonard.hernandez@lib.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the San Bernardino County Museum that meet the definition of cultural items under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the San Bernardino County Museum. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

Between 1950 and 1955, cultural items were removed from the Temeeku site in Riverside County, CA. The cultural items were brought into the SBCM's holdings in the early 1950's. The cultural items are stored in 16 boxes and include tens of thousands of individual artifacts.

The documentation of the excavations is extensive and published in the following: McCown, B.E. *Temeku A Page from the History of the Luiseño Indians.* Redlands, CA: Archaeological Survey Association of Southern California. 1955; Chartkoff, J. K. and L. Kona. *Site Record: Ca-Riv-50.* Record on file, Eastern Information Center. 1965; Stein, M. *Site Record: Ca-Riv-50.* Record on file, Eastern Information Center. 1981; Bowles, L. L. *Site Record: Ca-Riv-50.* Record on file, Eastern Information Center. 1982; Bowden, Cheryl. *Site Record: P–33–000050.* Record on file, The Resource Agency Department of Parks and Recreation Primary Record, California. 2002; Carrico, Richard. *Strangers in a Stolen Land: Indians in San Diego County from Prehistory to the New Deal.* 2nd edition. San Diego: Sunbelt Publications. 2008; Masiel-Zamora, Myra Ruth. *Analysis Of 'Éxva Teméeku, A Luiseño Indian Village Site Named Temeku, Located In Temecula, California.* M.A. Thesis, San Diego State University, Anthropology Department. 2013.

The cultural items were removed from a known Luiseno village site. Archeological records compiled during the excavation confirm that the site, Temeeku, is directly related to the Luiseno people. Consultation with the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California, Cultural Resources Department; Dr. Alexis Gray, Forensic Anthropologist; San Diego State University's Dr. Arion Mayes, Skeletal Biology, Dental Anthropology and Forensic Anthropology, has confirmed the location and cultural affiliation of

this site with the Luiseno people. Through consultation, the SBCM has determined that all of the items in this collection meet the definition of cultural items under 25 U.S.C. 3001 and include unassociated funerary objects, sacred objects, and/or objects of cultural patrimony. Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California, has made a request for repatriation of all of these cultural items.

Determinations Made by the San Bernardino County Museum

Officials of the SBCM have determined that:

- Pursuant to 25 U.S.C. 3001(3), the items described above meet the definition of cultural items and include unassociated funerary objects, sacred objects, and/or objects of cultural patrimony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and the La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation); Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; and the Soboba Band of Luiseno Indians, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Leonard X. Hernandez, Interim Director, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 387–2220, email *leonard.hernandez@lib.sbcounty.gov,* by May 28, 2015. After that date, if no additional claimants have come forward, transfer of control of the cultural items to the La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation); Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; or the Soboba Band of Luiseno Indians, California may proceed.

The San Bernardino County Museum is responsible for notifying the La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation); Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; and the Soboba Band of Luiseno Indians, California, that this notice has been published.

Dated: March 10, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09910 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–18037; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate a Cultural Item: State Historical Society of Iowa, Des Moines, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Historical Society of Iowa, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an object of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim the cultural item should submit a written request to the State Historical Society of Iowa. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim the cultural item should submit a written request with information in support of the claim to the State Historical Society of Iowa at the address in this notice by May 28, 2015.

ADDRESSES: Jerome Thompson, State Curator or NAGPRA Point of Contact, 600 East Locust, Des Moines, IA 50319, telephone (515) 281–4221, email *jerome.thompson@iowa.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the State Historical Society of Iowa, Des Moines, IA, that meets the definition of an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

At some time after April 13, 1931, the State Historical Society of Iowa purchased a grizzly bear claw necklace from Sam Slick, a member of the Meskwaki Tribe (Sac & Fox Tribe of the Mississippi in Iowa). Correspondence related to the purchase between curator Edgar R. Harlan and Sam Slick describe the necklace and its origin. The necklace was cataloged a B1729 and has been in control of the museum since 1931. The necklace is made of otter fur with thirty-one grizzly bear claws separated by glass beads. The otter fur is decorated with two heart-shaped and one square beaded applique.

During consultation, Johnathan Buffalo, Director of Historic Preservation, for the Sac & Fox Tribe of the Mississippi in Iowa, explained that several bear claw necklaces belonging to different clans were sold or otherwise left the tribe during the time period between 1920 and 1940. The necklaces were passed down in the families of the different clans and each clan held a position on the traditional tribal council. The tribe provided evidence that the necklace is an object of cultural patrimony having ongoing historical, traditional, or cultural importance to the tribe. The necklace is part of a group of necklaces that symbolizes tribal governance and is inalienable. Tribal member, Sam Slick, as an individual, did not have the right to sell the necklace.

Determinations Made by the State Historical Society of Iowa

Officials of the State Historical Society of Iowa have determined that:

• Pursuant to 25 U.S.C. 3001(3)(D), the single cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Sac & Fox Tribe of the Mississippi in Iowa.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Jerome Thompson, State Curator or NAGPRA Point of Contact, 600 East Locust, Des Moines, IA 50319, telephone (515) 281–4221, email *jerome.thompson@iowa.gov,* by May 28, 2015. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Sac & Fox Tribe of the Mississippi in Iowa may proceed

The State Historical Society of Iowa is responsible for notifying the Sac & Fox Tribe of the Mississippi in Iowa that this notice has been published.

Dated: April 2, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09921 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17978;PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent to Repatriate Cultural Items: Brooklyn Museum, Brooklyn, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Brooklyn Museum, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects and objects of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Brooklyn Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Brooklyn Museum at the address in this notice by May 28, 2015.

ADDRESSES: Susan Kennedy Zeller, Associate Curator of Native American Art, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238–6052, telephone (718) 501–6282, email *susan.zeller@brooklynmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Brooklyn Museum, Brooklyn, NY, that meet the definition of sacred objects and objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Between 1903 and 1910, 24 cultural items were removed from the Pueblo of Laguna in Cibola, Valencia, Bernalillo, and Sandoval Counties, NM. Through research of museum records and archives, every indication is that these Laguna items were collected by Lorenzo Wurth, former clerk in Bebo's Store located near Laguna Pueblo, and purchased from him by the Brooklyn Museum's curator Stewart Culin in 1910. A letter from Wurth to Culin (April 19, 1908) offers items for sale, and a Wurth inventory of some 160 items dated October 3, 1909, was also sent to Culin. The inventory list provides general descriptions such as ''dance Mask,'' and ''sacred mask'' and ''prayer sticks.'' A museum accession number ''11478'' was assigned to this entire collection in October 1910 in the museum's accession ledger. In subsequent years, 11 items have been found in the collection with tags bearing numbers matching the Wurth inventory list. Given the small number of Laguna items in the collection, it is logical to assume that items matching this list's description belong to this 1910 group. Culin's expedition reports also document his visit to Laguna Pueblo in 1903, his meeting there with clerk Lorenzo Wurth, and the fact that Wurth had a collection of masks and sacred items that interested Culin. The 24 sacred objects and objects of cultural patrimony proposed for repatriation are: One mask piece, five Katsina Friends, 11 prayer sticks tied in pairs of two each, and seven single prayer sticks.

The review of available documentation, in addition to physical inspections by two Pueblo of Laguna delegations, has resulted in confirmation from the Pueblo of Laguna religious leaders that the cultural items are of Pueblo of Laguna origin. The Pueblo of Laguna asserts that a relationship of shared group identity exists between the Pueblo of Laguna in 1910, and the present-day Pueblo of Laguna. The Katsina Friends were created within the Pueblo of Laguna religious system with construction techniques still in use today. In addition to the positive identification by the Laguna Pueblo religious leaders that the cultural items are of Laguna Pueblo origin, cultural affiliation with the Pueblo of Laguna is evident by these diagnostic features.

Determinations Made by the Brooklyn Museum

Officials of the Brooklyn Museum have determined that:

• Pursuant to 25 U.S.C. 3001(3)(C), the 24 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

• Pursuant to 25 U.S.C. 3001(3)(D), the 24 cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and objects of cultural patrimony and the Pueblo of Laguna, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian

organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Susan Kennedy Zeller, Associate Curator of Native American Art, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238–6052, telephone (718) 501–6282, email *susan.zeller@brooklynmuseum.org,* by May 28, 2015. After that date, if no additional claimants have come forward, transfer of control of the sacred objects and objects of cultural patrimony to the Pueblo of Laguna may proceed.

The Brooklyn Museum is responsible for notifying the Pueblo of Laguna that this notice has been published.

Dated: March 20, 2015.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–09925 Filed 4–27–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF JUSTICE

[Docket No. ODAG 154]

National Commission on Forensic Science Notice of Charter Renewal and Solicitation of Applications for Additional Commission Membership

AGENCY: Department of Justice.

ACTION: Notice of Charter Renewal and Solicitation of Applications for Additional Commission Membership for the National Commission on Forensic Science.

SUMMARY: In accordance with title 41 of the U.S. Code of Federal Regulations, section 102–3.65(a), notice is hereby given that the Charter for the National Commission on Forensic Science was renewed for an additional two-year period on April 23, 2015. The Attorney General has determined that the National Commission on Forensic Science is necessary and in the public interest in connection with the performance of duties of the Department of Justice and these duties can best be performed through the advice and counsel of this group. This determination follows consultation with the Committee Management Secretariat, General Services Administration. This notice announces the solicitation of applications for additional Commission membership.

DATES: Applications must be received on or before May 28, 2015.

ADDRESSES: All applications should be submitted to: Andrew Bruck, Counsel to the Deputy Attorney General, 950 Pennsylvania Avenue NW., Washington, DC 20530, by email at *Andrew.J.Bruck@usdoj.gov,* or by phone at (202) 305–3481.

FOR FURTHER INFORMATION CONTACT: Andrew Bruck, Counsel to the Deputy Attorney General, 950 Pennsylvania Avenue NW., Washington, DC 20530, by email at *Andrew.J.Bruck@usdoj.gov,* or by phone at (202) 305–3481.

SUPPLEMENTARY INFORMATION: The National Commission on Forensic Science was chartered on April 23, 2013 and is co-chaired by the Department of Justice and National Institute of Standards and Technology. The Commission provides recommendations and advice to the Department of Justice concerning national methods and strategies for: strengthening the validity and reliability of the forensic sciences (including medico-legal death investigation); enhancing quality assurance and quality control in forensic science laboratories and units; identifying and recommending scientific guidance and protocols for evidence seizure, testing, analysis, and reporting by forensic science laboratories and units; and identifying and assessing other needs of the forensic science communities to strengthen their disciplines and meet the increasing demands generated by the criminal and civil justice systems at all levels of government. Commission membership includes Federal, State, and Local forensic science service providers; research scientists and academicians; prosecutors, defense attorneys, and judges; law enforcement; and other relevant backgrounds. The Commission reports to the Attorney General, who through the Deputy Attorney General, shall direct the work of the Commission in fulfilling its mission. The renewed charter removes the prohibition on developing or recommending guidance regarding digital evidence. The renewed charter additionally states that the Attorney General will refer recommendations regarding measurement standards and priorities for standards development to the Director of the National Institute of Standards and Technology, as the Attorney General deems appropriate.

The initial solicitation of applications for Commission membership was announced on February 22, 2013 (''Notice of Establishment of the National Commission on Forensic Science and Solicitation of Applications for Commission Membership, 78 FR 12355). This notice announces the solicitation of the application for additional Commission membership. The duties of the Commission include: (a) Recommending priorities for standards development; (b) reviewing and recommending endorsement of guidance identified or developed by subject-matter experts; (c) developing proposed guidance concerning the intersection of forensic science and the courtroom; (d) developing policy recommendations, including a uniform code of professional responsibility and minimum requirements for training, accreditation and/or certification; and (e) identifying and assessing the current and future needs of the forensic sciences to strengthen their disciplines and meet growing demand.

Members will be appointed by the Attorney General in consultation with the Director of the National Institute of Standards and Technology and the vice-chairs of the Commission. Additional members will be selected to fill vacancies to maintain a balance of perspective and diversity of experiences, including Federal, State, and Local forensic science service providers; research scientists and academicians; Federal, State, Local prosecutors, defense attorneys and judges; law enforcement; and other relevant stakeholders. Members will also be selected specifically to support the inclusion of digital evidence. DOJ encourages submissions from applicants with respect to diversity of backgrounds, professions, ethnicities, gender, and geography. The Commission shall consist of approximately 30 voting members. Members will serve without compensation. The Commission generally meets four times each year at approximately three-month intervals.

Applications: Any qualified person may apply to be considered for appointment to this advisory committee. Each application should include: (1) A resume or curriculum vitae; (2) a statement of interest describing the applicant's relevant experience; and (3) a statement of support from the applicant's employer. Potential candidates may be asked to provide detailed information as necessary regarding financial interests, employment, and professional affiliations to evaluate possible sources of conflicts of interest. The application period will remain open through May 28, 2015. The applications must be sent in one complete package, by email, to Andrew Bruck (contact information above) with the subject line of the email entitled, ''NCFS Membership 2015.'' Other sources, in addition to the **Federal Register** notice, may be utilized in the solicitation of applications.

Dated: April 22, 2015.

Andrew Bruck,

Designated Federal Official, National Commission on Forensic Science.

[FR Doc. 2015–09934 Filed 4–27–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Consent Decree in *United States and State of Arkansas* v. *ExxonMobil Pipeline Company and Mobil Pipe Line Company* (Civil Action No. 4:13–cv–0355), which was lodged with the United States District Court for the Eastern District of Arkansas on April 22, 2015.

This case concerns a March 2013 oil spill from the Pegasus Pipeline, which is a crude oil pipeline owned and operated by the defendants (collectively, ''ExxonMobil''). The spill occurred after the pipeline ruptured in the town of Mayflower, Arkansas, sending several thousand barrels of oil through a neighborhood, creek, wetlands, and a cove of Lake Conway. A Complaint in this case was filed jointly by the United States and the State of Arkansas against ExxonMobil on June 13, 2013, alleging violations of sections 301(a) and 311(b)(7)(A) of the Clean Water Act, 33 U.S.C. 1311(a), 1321(b)(7)(A), and State claims pursuant to the Arkansas Water and Air Pollution Control Act and the Arkansas Hazardous Waste Management Act. ARK. CODE ANN. section 8–7–201 *et seq.;* ARK. CODE ANN. section 8–4–101 *et seq.;* ARK. CODE ANN. section 8–4–101 *et seq.* The Complaint seeks the assessment of civil penalties and injunctive relief for the alleged CWA and State law violations.

The Consent Decree proposes to resolve this civil action by requiring ExxonMobil to perform corrective measures focused on pipeline safety and spill response preparedness, pay a federal civil penalty of $3.19 million and a state civil penalty of $1 million, fund a supplemental environmental project focused on improving water quality in Lake Conway worth $600,000, and pay state litigation costs of $280,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *ExxonMobil Pipeline Company,* D.J. Ref. No. 90–5–1–1–10862. 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, D.C. 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $8.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–09762 Filed 4–27–15; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Public Availability of the National Science Foundation FY 2014 Service Contract Inventory and Associated Documents

AGENCY: National Science Foundation.

ACTION: Notice of Public Availability of FY 2014 Service Contract Inventories and associated documents.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the National Science Foundation is publishing this notice to advise the public of the availability of (1) the FY 2014 Service Contract Inventory Detail, (2) the FY 2014 Service Contract Inventory Summary, (3) the FY 2013 Service Contract Inventory Analysis Report, (4) the FY 2014 Service Contract Inventory Supplement Report and, (5) the FY 2014 Plan for Analyzing the Service Contract Inventory. This inventory provides information on service contract actions over $25,000 that were made in FY 2014. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on November 5, 2010, and December 19, 2011, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf* and *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf.* The National Science Foundation has posted its (1) FY 2014 Service Contract Inventory Detail, (2) FY 2014 Service Contract Inventory Summary, (3) FY 2013 Service Contract Inventory Analysis Report, (4) FY 2014 Service Contract Inventory Supplement Report and (5) FY 2014 Plan for Analyzing the Service Contract Inventory on the National Science Foundation homepage at the following links:

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf15067 (Service Contract Inventory Detail for FY 2014)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf15068 (Service Contract Inventory Summary for FY 2014)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf15069 (Service Contract Inventory Analysis Report for FY 2013)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf15071 (Service Contract Inventory Supplement Report for FY2014)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf15070 (Plan for Analyzing the Service Contract Inventory for FY 2014)

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Richard Pihl in the BFA/DACS at 703–292–7395 or *rpihl@nsf.gov.*

Dated: April 23, 2015.

Suzanne Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2015–09807 Filed 4–27–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–012 and 52–013; NRC–2008–0091]

Nuclear Innovation North America LLC; South Texas Project, Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; availability.

SUMMARY: On September 20, 2007, South Texas Project Nuclear Operating Company (STPNOC) submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for combined licenses (COLs) for two additional units (Units 3 and 4) at the South Texas Project (STP) Electric Generating Station site in Matagorda County near Bay City, Texas. The NRC published a notice of receipt and availability for this COL application in the **Federal Register** on December 5, 2007. In a letter dated January 19, 2011, STPNOC notified the NRC that, effective January 24, 2011, Nuclear Innovation North America LLC (NINA) became the lead applicant for STP, Units 3 and 4. This notice is being published to notify the public of the availability of the COL application for STP, Units 3 and 4.

DATES: The COL application is available on *April 28, 2015.*

ADDRESSES: Please refer to Docket ID NRC–2008–0091 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0091. 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 available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tom Tai, telephone: 301–415–8484, email: *Tom.Tai@nrc.gov;* or Luis Betancourt, telephone: 301–415–6145, email: *Luis.Betancourt@nrc.gov.* Both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On September 20, 2007, the NRC received a COL application from STPNOC, filed pursuant to section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' to construct and operate two additional units (Units 3 and 4) at the STP Electric Generating Station site in Matagorda County near Bay City, Texas. The additional units are based on the U.S. Advanced Boiling Water Reactor design, which is certified in 10 CFR part 52, appendix A. The NRC published a notice of receipt and availability for an application for a COL in the **Federal Register** on December 5, 2007 (72 FR 68597). In a letter dated January 19, 2011, STPNOC notified the NRC that, effective January 24, 2011, NINA became the lead applicant for STP, Units 3 and 4. As such, NINA assumed responsibility for the design, construction and licensing of STP, Units 3 and 4. The application is currently under review by the NRC.

An applicant may seek a COL in accordance with subpart C of 10 CFR part 52. The information submitted by the applicant includes certain administrative information, such as financial qualifications submitted pursuant to 10 CFR 52.77, as well as technical information submitted pursuant to 10 CFR 52.79. This notice is being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

Availability of Documents

The documents identified in the following table are available to interested persons through the ADAMS Public Documents collection. A copy of the COL application is also available for public inspection at the NRC's PDR and at *http://www.nrc.gov/reactors/new-reactors/col.html.*

Document	ADAMS Accession No.
South Texas Project, Units 3 and 4, Combined License Application, Revision 0, September 20, 2007	ML072830407
South Texas Project, Units 3 and 4, Supplement to Combined License Application ''Safeguards Information,'' Part 8, Revision 0, September 26, 2007	ML072740461
South Texas Project, Units 3 and 4, Supplement to Combined License Application Revision 0, October 15, 2007	ML072960352
South Texas Project, Units 3 and 4, Supplement to Combined License Application Revision 0, October 18, 2007	ML072960489
South Texas Project, Units 3 and 4, Supplement to Combined License Application Revision 0, November 13, 2007	ML073200992
South Texas Project, Units 3 and 4, Supplement to Combined License Application Revision 0, November 21, 2007	ML073310616
South Texas Project, Units 3 and 4, Combined License Application, Revision 1, January 31, 2008	ML080700399
South Texas Project, Units 3 and 4, Submittal of Supplement to Combined License Application ''Safeguards Information,'' Part 8, Revision 1, January 31, 2008	ML080420090
South Texas Project, Units 3 and 4, Combined License Application, Revision 2, September 24, 2008	ML082830938
South Texas Project, Units 3 and 4, Submittal of Supplement to Combined License Application ''Safeguards Information,'' Part 8, Revision 2, September 24, 2008	ML082730700
South Texas Project, Units 3 and 4, Submittal of Combined License Application, ''Proprietary Information,'' Part 10, Revision 2, December 11, 2008	ML083530131
South Texas Project, Units 3 and 4, Combined License Application, Revision 3, September 16, 2009	ML092930393
South Texas Project, Units 3 and 4, Submittal of Supplement to Combined License Application ''Safeguards Information,'' Part 8, Revision 3, July 15, 2010	ML102010268
South Texas Project, Units 3 and 4, Combined License Application, Revision 4, October 5, 2010	ML102861292

Document	ADAMS Accession No.
South Texas Project, Units 3 and 4, Submittal of Supplement to Combined License Application ''Safeguards Information,'' Part 8, Revision 4, February 3, 2011	ML110400425
South Texas Project, Units 3 and 4, Update to Change in Lead Applicant, January 19, 2011	ML110250369
South Texas Project, Units 3 and 4, Combined License Application, Revision 5, January 26, 2011	ML110340451
South Texas Project, Units 3 and 4, Submittal of Supplement to Combined License Application ''Safeguards Information,'' Part 8, Revision 5, August 30, 2011	ML11243A171
South Texas Project, Units 3 and 4, Combined License Application, Revision 6, August 30, 2011	ML11252A505
South Texas Project, Units 3 and 4, Combined License Application, Revision 7, February 1, 2012	ML12048A714
South Texas Project, Units 3 and 4, Combined License Application, Revision 8, September 17, 2012	ML12291A415
South Texas Project, Units 3 and 4, Combined License Application, Revision 9, April 17, 2013	ML13115A094
South Texas Project, Units 3 and 4, Combined License Application, Revision 10, October 29, 2013	ML13310A599
South Texas Project, Units 3 and 4, Combined License Application, Revision 11, October 21, 2014	ML14307A876

Dated at Rockville, Maryland, this 22nd day of April 2015.

For the Nuclear Regulatory Commission.

Samuel Lee,

Chief, Licensing Branch 2, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–09904 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 6, 2015, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, May 6, 2015—12:00 p.m. Until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North Building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Dated: April 16, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–09862 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0104]

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 April 2, 2015, to April 14, 2015. The last biweekly notice was published on April 14, 2015.

DATES: Comments must be filed by May 28, 2015. A request for a hearing must be filed by June 29, 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–2015–0104. 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.

• *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: Sandra Figueroa, Office of U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1262, email: *Sandra.Figueroa@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0104 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–2015–0104.

• *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–2015–0104, 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 posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity to Request a Hearing and Petition for Leave to Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) the name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which

may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC's 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.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit 2, New London County, Connecticut

Date of amendment request: October 22, 2014. A publicly-available version is in ADAMS under Accession No. ML14301A112.

Description of amendment request: The amendment would revise the Millstone Power Station, Unit 2 (MPS2) technical specification (TS) by relocating surveillance frequencies to a licensee-controlled program.

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 any accident previously evaluated?

Response: No.

The proposed changes relocate the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the TSs for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any 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 previously evaluated?

Response: No.

No new or different [kinds of] accidents result from utilizing the proposed changes. The changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

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 the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components, specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, DNC will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04–10, Rev. 1, in accordance with the Surveillance Frequency Control Program. NEI 04–10, Rev. 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

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 proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

Acting NRC Branch Chief: Michael I. Dudek.

Dominion Nuclear Connecticut, Inc., Docket No. 50–423, Millstone Power Station, Unit 3, New London County, Connecticut

Date of amendment request: October 14, 2014. A publicly-available version is in ADAMS under Accession No. ML14294A454.

Description of amendment request: The amendment would revise the Millstone Power Station, Unit 3 (MPS3) Surveillance Requirement (SR) 4.4.4.2 to remove the requirement to perform the surveillance for a pressurizer power-operated relief valve (PORV) block valve that is being maintained closed in accordance with technical specification (TS) 3.4.4 Action a.

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, with NRC staff revisions provided in [brackets], which is presented below:

Criterion 1

Will operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The block valve for the pressurizer PORV is not a potential accident initiator. Therefore, not requiring a surveillance of the block valve while it is being used to isolate its associated PORV will not increase the probability of an accident previously evaluated. Not requiring the surveillance of the block valve may slightly reduce the probability of a loss of coolant accident from a stuck open PORV since it will eliminate the challenge to the PORV from the pressure transient that results from cycling the block valve.

The PORVs are credited in the MPS3 Final Safety Analysis Report (FSAR), Chapter 15, ''Accident Analysis,'' for event mitigation (Section 15.5.1, Inadvertent Operation of the Emergency Core Cooling System during Power, and Section 15.5.2, CVCS [chemical and volume control system] Malfunction that Increases Reactor Coolant Inventory). Not performing the surveillance on the block valve does not significantly reduce the assurance that the block valve is capable of opening to allow operation of the PORV. The block valves have been demonstrated by operating experience to be reliable and are also subject to the motor-operated valve testing program. Consequently, the proposed amendment does not significantly reduce the confidence that the block valve can be opened to permit automatic or manual actuation of the PORV to depressurize the RCS.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

Will operation of the facility in accordance with this proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment only affects the performance of the surveillance test for the block valve and does not involve any physical alteration of plant equipment or introduce any operating configurations not previously evaluated. The pressurizer PORV block valves provide isolation for a postulated stuck-open or leaking PORV. Isolation is satisfied with the block valve closed in accordance with TS 3.4.4 Action a.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3

Will operation of the facility in accordance with this proposed amendment involve a significant reduction in the margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident. These barriers include the fuel cladding, the reactor coolant system, and the containment system. These barriers are not significantly affected by the changes proposed herein. The margin of safety is established through the design of the plant structures, systems, and components, the parameters within which the plant is operated, and the establishment of setpoints for the actuation of equipment relied upon to respond to an event, and thereby protect the fission product barriers. The proposed amendment to the surveillance requirement for the pressurizer PORV block valve does not affect the assumptions in any accident analysis.

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 proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

Acting NRC Branch Chief: Michael I. Dudek.

Duke Energy Progress, Inc., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2 (BSEP), Brunswick County, North Carolina

Date of amendment request: January 30, 2015. A publicly-available version is in ADAMS under Accession No. ML15044A198.

Description of amendment request: The amendments would revise the emergency action levels (EALs) from a scheme based on Revision 5 of Nuclear Energy Institute (NEI) 99–01 ''Methodology for Development of Emergency Action Levels,'' to a scheme based on NRC-endorsed Revision 6 of NEI 99–01, ''Development of Emergency Action Levels for Non-Passive Reactors.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], 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 change to the BSEP emergency action levels does not impact the physical function of plant structures, systems, or components (SSC) or the manner in which SCCs perform their design function. The proposed change does not authorize the addition of any new plant equipment or systems, nor does it alter the assumptions of any accident analyses. The proposed change does not adversely affect accident initiators or precursors, nor does it alter the design assumptions, conditions, and configuration or the manner in which the plant is operated and maintained.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to BSEP's EAL scheme to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, does not authorize any physical changes to the plant systems or equipment. The proposed change will not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis. The proposed change will not alter the design configuration, or method of operation of plant equipment beyond its normal functional capabilities. The BSEP ERO [Emergency Response Organization] functions will continue to be performed as required. The proposed change does not create any new credible failure mechanisms, malfunctions, or accident initiators.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from those that have been previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to BSEP's EAL scheme does not alter or exceed a design basis or safety limit. There is no change being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change. The proposed change does not affect the Technical Specifications or the operating license. There are no changes to setpoints or environmental conditions of any SSC or the manner in which any SSC is operated. Margins of safety are unaffected by the proposed change to adopt the NEI 99–01, Revision 6, EAL scheme guidance. The applicable requirements or 10 CFR 50.47 and 10 CFR 50, Appendix E will continue to be met.

Therefore, the proposed change does not involve any 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 proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, P.O. Box 1551, Raleigh, NC 27602.

NRC Branch Chief: Shana R. Helton.

Duke Energy Progress, Inc., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: February 19, 2015. A publicly-available version is in ADAMS under Accession No. ML15075A021.

Description of amendment request: The amendments would (1) revise Technical Specifications (TSs) by replacing AREVA Topical Report ANP–10298PA, ''ACE/ATRIUM 10XM Critical Power Correlation,'' Revision 0, March 2010, with Revision 1, March 2014, of the same topical report; and (2) revise Appendix B, ''Additional Conditions,'' by removing the license condition issued by Amendment Nos. 262 and 290 for Units 1 and Unit 2, respectively.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The proposed license amendments only involve an update to a currently-approved methodology for determining core operating limits. As such, the proposed license amendments do not involve any plant modifications or operational changes that could affect system reliability or performance, or that could affect the probability of operator error. As such, the proposed changes do not affect any postulated accident precursors. Since no individual precursors of an accident are affected, the proposed license amendments do not involve a significant increase in the probability of a previously analyzed event.

The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences.

AREVA Topical Report ANP–10298P–A, *ACE/ATRIUM 10XM Critical Power Correlation,* Revision 1, March 2014, is being adopted to resolve a previously identified concern with the calculation of the K-factor, which is a modelling parameter that characterizes the effect on critical power ratio of radial fuel rod peaking distribution within a fuel bundle. Adoption of AREVA Topical Report ANP–10298P–A, *ACE/ATRIUM 10XM Critical Power Correlation,* Revision 1, also eliminates the need to perform a confirmatory evaluation as described in the Appendix B license condition issued as part of License Amendments 262 and 290 for Units 1 and 2. Therefore, the license condition is being eliminated.

The adoption of AREVA Topical Report ANP–10298P–A, *ACE/ATRIUM 10XM Critical Power Correlation,* Revision 1, March 2014, continues to ensure that the SLMCPR [safety limit minimum critical power ratio], setpoint, and core operating limit values determined using NRC-approved methods continue to satisfy the acceptance criteria that at least 99.9 percent of all fuel rods in the core do not experience boiling transition. Based on these considerations, the proposed change does not involve a significant increase in the consequences of a previously analyzed accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Creation of the possibility of a new or different kind of accident requires creating one or more new accident precursors. New accident precursors may be created by modifications of plant configuration, including changes in allowable modes of operation. The proposed amendments do neither. Core operating limit values are calculated using NRC-approved methodology identified in the TS. AREVA Topical Report ANP–10298PA, Revision 0, is an NRC-approved methodology listed in TS 5.6.5.b for determining core operating limits. Replacing the analytical methodology described in Topical Report ANP–10298PA, Revision 0, with the methodology contained in ANP–10298P–A, Revision 1, will ensure that (1) core operating limits are no longer affected by the K-factor calculation issue described in AREVA Operability Assessment CR 2011–2274, Revision 1, and (2) the current level of fuel protection is maintained by continuing to ensure that the fuel design safety criterion is met (*i.e.,* that at least 99.9 percent of all fuel rods in the core do not experience boiling transition if the MCPR [minimum critical power ratio] Safety Limit is not exceeded).

The update of AREVA analytical methodology does not involve any new modes of plant operation or any plant modifications and does not directly or indirectly affect the failure modes of any plant systems or components.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The SLMCPR ensures that at least 99.9 percent of the fuel rods do not experience boiling transition during normal operation and anticipated operational occurrences, if the SLMCPR is not exceeded. Topical Report ANP–10298PA is listed as an NRC-approved analytical method in Technical Specification 5.6.5.b. Replacing the analytical methodology described in Topical Report ANP–10298PA, Revision 0, with the methodology contained in ANP–10298P–A, Revision 1, will ensure that (1) core operating limits are no longer affected by the K-factor calculation issue described in AREVA Operability Assessment CR 2011–2274, Revision 1, and (2) the current level of fuel protection is maintained by continuing to ensure that the fuel design safety criterion is met (*i.e.,* that no more than 0.1 percent of the rods are expected to be in boiling transition if the MCPR Safety Limit is not exceeded).

Meeting the fuel design criterion that at least 99.9 percent of all fuel rods in the core do not experience boiling transition and establishing core operating limits ensures the margin of safety required by the fuel design criterion is maintained. Therefore, the proposed amendments do not result in 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: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, P.O. Box 1551, Raleigh, NC 27602.

NRC Branch Chief: Shana R. Helton.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: December 15, 2014. A publicly-available version is in ADAMS under Accession No. ML14351A069.

Description of amendment request: The proposed amendment would revise the requirements of Technical Specification (TS) 3.6.4.3, ''Standby Gas Treatment (SGT) System,'' and TS 3.7.3, ''Control Room Fresh Air (CRFA) System,'' to operate the ventilation systems with charcoal filters from 10 hours each month to 15 minutes each month, consistent with Technical Specification Task Force (TSTF) traveler TSTF–522, Revision 0, ''Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month.'' The Notice of Availability and model safety evaluation of TSTF–522, Revision 0, were published in the **Federal Register** on September 20, 2012 (77 FR 58421).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces an existing Surveillance Requirement to operate the

BWR [boiling water reactor]/6 SGT System and CRFA Systems equipped with electric heaters for a continuous 10 hour period every 31 days with a requirement to operate the systems for 15 continuous minutes with heaters operating, if needed.

These systems are not accident initiators and therefore, these changes do not involve a significant increase in the probability of an accident. The proposed system and filter testing changes are consistent with current regulatory guidance for these systems and will continue to assure that these systems perform their design function which may include mitigating accidents. Thus the change does not involve a significant increase in the consequences of an accident.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change replaces an existing Surveillance Requirement to operate the BWR/6 SGT System and CRFA Systems equipped with electric heaters for a continuous 10 hour period every 31 days with a requirement to operate the systems for 15 continuous minutes with heaters operating, if needed.

The change proposed for these ventilation systems does not change any system operations or maintenance activities. Testing requirements will be revised and will continue to demonstrate that the Limiting Conditions for Operation are met and the system components are capable of performing their intended safety functions. The change does not create new failure modes or mechanisms and no new accident precursors are generated.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces an existing Surveillance Requirement to operate the BWR/6 SGT System and CRFA Systems equipped with electric heaters for a continuous 10 hour period every 31 days with a requirement to operate the systems for 15 continuous minutes with heaters operating, if needed.

The design basis for the ventilation systems' heaters is to heat the incoming air which reduces the relative humidity. The heater testing change proposed will continue to demonstrate that the heaters are capable of heating the air and will perform their design function. The proposed change is consistent with [the NRC's] regulatory guidance.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Meena K. Khanna.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1 (GGNS), Claiborne County, Mississippi

Date of amendment request: January 6, 2015, as supplemented by letter dated March 27, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML15006A238 and ML15089A126, respectively.

Description of amendment request: The amendment would revise Technical Specification (TS) 5.6.5.b, ''Core Operating Limits Report [COLR]'' by adding the following reference, NEDC–33075P–A, Revision 8, ''GE Hitachi Boiling Water Reactor Detect and Suppress Solution—Confirmation Density [DSS–CD].''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The NRC staff completed its review of NEDC–33075P–A, Revision 6, ''General Electric Boiling Water Reactor Detect and Suppress Solution—Confirmation Density,'' a licensing topical report (LTR) and issued its safety evaluation on January 25, 2008 (ADAMS Accession No. ML080310388). The NRC staff had concluded that this LTR is acceptable for referencing in licensing applications for nuclear power plants to the extent specified and under the limitations delineated in the accepted versions of the LTR. In addition, by letter dated November 19, 2013, LTR NEDE–33075P, Revision 8, has been approved for use in future licensing actions. The licensee proposes to add NEDC–33075P–A, Revision 8, to TS 5.6.5.b as Reference 27. The licensee demonstrated the applicability of this LTR for the GGNS in its submittal dated September 25, 2013 (ADAMS Accession No. ML13269A140). Adding this approved LTR to the TS 5.6.5.b will allow the licensee to use the approved DSS–CD methodology for preparing the COLR for the Maximum Extended Load Line Limit Analysis Plus (MELLLA+) reloads following the approval of the MELLLA+ license amendment request. As such, adding this reference to TS 5.6.5.b, is administrative in nature.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The licensee proposes to add LTR NEDC–33075P–A, Revision 8, to TS 5.6.5.b as Reference 27. The licensee demonstrated the applicability of this LTR for the GGNS in its submittal dated September 25, 2013. Adding this approved LTR to TS 5.6.5.b will allow the licensee to use the approved DSS–CD methodology for preparing the COLR for the MELLLA+ reloads following the approval of the MELLLA+ license amendment request. As such, adding this reference to TS 5.6.5.b, is administrative in nature.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The licensee proposes to add LTR NEDC–33075P–A, Revision 8, to TS 5.6.5.b as Reference 27. The licensee demonstrated the applicability of this LTR for the GGNS in its submittal dated September 25, 2013. Adding this approved LTR to TS 5.6.5.b will allow the licensee to use the approved DSS–CD methodology for preparing the COLR for the MELLLA+ reloads following the approval of the MELLLA+ license amendment request. As such, adding this reference to TS 5.6.5.b, is administrative in nature.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Meena K. Khanna.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Units 3 and 4, Miami-Dade County, Florida

Date of amendment request: December 23, 2014. A publicly-available version is in ADAMS under Accession No. ML15029A297.

Description of amendment request: The amendments would modify the

Technical Specifications (TSs) related to Completion Times (CTs) for Required Actions (RAs) to provide the option to calculate a longer, risk-informed CT (RICT). A new program, the Risk-Informed Completion Time Program, would be added to TS Section 6.0, ''Administrative Controls.'' The methodology for using the RICT Program is described in Nuclear Energy Institute (NEI) 06–09, ''Risk-Informed Technical Specifications Initiative 4b, Risk-Managed Technical Specifications (RMTS) Guidelines,'' Revision 0–A (ADAMS Accession No. ML12286A322). Adherence to NEI 06–09 would be required by the RICT Program. The licensee stated that the proposed amendments would be consistent with Technical Specification Task Force (TSTF) Traveler 505 TSTF–505, Revision 1, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk Informed TSTF] Initiative 4b'' (ADAMS Accession No. ML111650552). The licensee requested that not all the modified RAs in TSTF–505 be included in the amendments. The licensee also requested that some plant-specific RAs be included in the amendments that were not included in TSTF–505. The **Federal Register** notice published on March 15, 2012 (77 FR 15399), announced the availability of TSTF–505, Revision 1.

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. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change permits the extension of Completion Times provided the associated risk is assessed and managed in accordance with the NRC approved Risk-Informed Completion Time Program. The proposed change does not involve a significant increase in the probability of an accident previously evaluated because the change involves no change to the plant or its modes of operation. The proposed change does not increase the consequences of an accident because the design-basis mitigation function of the affected systems is not changed and the consequences of an accident during the extended Completion Time are no different from those during the existing Completion Time.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design, configuration, or method of operation of the plant. The proposed change does not involve a physical alteration of the plant (no new or different kind of equipment will be installed).

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The proposed change permits the extension of Completion Times provided risk is assessed and managed in accordance with the NRC approved Risk-Informed Completion Time Program. The proposed change implements a risk-informed configuration management program to assure that adequate margins of safety are maintained. Application of these new specifications and the configuration management program considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, Florida 33408–0420.

NRC Branch Chief: Shana R. Helton.

Pacific Gas and Electric Company (PGandE), Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Date of amendment request: February 25, 2015. A publicly-available version is in ADAMS under Accession No. ML15056A773.

Description of amendment request: The amendments propose to incorporate into the licensing basis an analysis of pressurizer reaching a water-solid (filled) condition associated with the main feedwater pipe rupture accident summarized in Updated Final Safety Analysis Report (UFSAR) Section 15.4.2.2. Further, the proposed amendments involve the addition of time critical operator actions and modifications of the PG&E Design Class I backup nitrogen accumulators, which are credited in the new pressurizer filling analysis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment provides an analysis of the FLB [feedwater line break] accident assuming the worst-case conditions that could result in pressurizer filling wherein water relief through the PSVs [pressurizer safety valves] may challenge the integrity of the reactor coolant boundary. The purpose of the pressurizer filling analysis is to determine the operator actions that preclude water relief through the PSVs if a FLB accident has occurred. The pressurizer filling analysis assumes an accident occurs and evaluates the plant response to the accident; therefore, the proposed amendment results in no change in the probability of an accident previously evaluated.

The proposed amendment does not change any design functions of existing structures, systems and components (SSCs) and does not increase the likelihood of the malfunction of an SSC. The operator actions added by the amendment are designed to ensure the capability of SSCs to perform their design function by ensuring a PORV [power operated relief valve] is available to provide reactor coolant pressure relief and by terminating the pressurizer filling event before water is relieved from the PSVs.

Therefore, the proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed amendment does not change any design functions of existing SSCs and does not affect the SSCs' operation or ability to perform their design function. The new FLB pressurizer filling analysis identifies operator actions that will prevent water relief through the PSVs. Simulator runs for the FLB pressurizer filling scenario have demonstrated that operator actions credited in the analysis are consistently completed in time to prevent water relief through the PSVs.

Therefore the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The UFSAR (Section 15.4.2.2.3) currently credits the SSI [spurious safety injection] pressurizer filling analysis (in UFSAR Section 15.2.15.3) for the FLB pressurizer filling condition. The results of the new FLB pressurizer filling analysis indicate the response time for the operator action to ensure a PORV available during a FLB is not bounded by the existing analysis for the SSI pressurizer filling event. In addition, the analysis determined the PORVs need to cycle longer than accommodated by the current nitrogen supply to prevent water relief through the PSVs.

The new analysis identifies operator actions to mitigate the pressurizer filling condition specific to a FLB accident. Simulator runs for a FLB scenario have demonstrated that operator actions credited in the analysis are consistently completed in time to prevent water relief through the PSVs.

The new FLB analysis credits an increased number of PORV water-relief cycles, which will be provided by modifications to increase the nitrogen supply to the PORV[s]. The PORVs have been qualified to perform the increased number of water-relief cycles and are environmentally qualified to withstand the harsh environment that could result from a FLB. Increasing the required number of PORV water-relief cycles does not alter the overall thermal hydraulic response of the RCS [reactor coolant system] and, therefore, has no effect on overall atmospheric steam releases. The PORV relief is not a source of radiological release since the RCS fluid remains inside containment and therefore is a negligible source of radiological release to the environment.

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 proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Branch Chief: Michael T. Markley.

South Carolina Electric and 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: December 18, 2014. A publicly-available version is in ADAMS under Accession No. ML14353A107.

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 revising line number information in Tier 1 and promote consistency with the Updated Final Safety Analysis Report (UFSAR) Tier 2 information. The line number information includes the Automatic Depressurization System, the Passive Containment Cooling System, the Passive Core Cooling System, the Normal Residual Heat Removal System, the Containment Air Filtration System, Spent Fuel Pool Cooling System, and the Sanitary Discharge System piping line numbers to reflect the as-designed configuration resulting from changes in piping layout or rerouting.

Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 design control document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with the provisions of part 52, appendix D, section III.B of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Design Certification Rule for the AP1000 Design, Scope and Contents.''

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 COL Appendix C Tables and corresponding plant-specific Tier 1 Tables proposed changes involve updating piping line name/number or functional capability requirements. These changes do not affect any system design function. Adding or updating information for existing ASME Section III piping does not involve (*i.e.,* cannot affect) any accident initiating event or component failure, thus, the probabilities of the accidents previously evaluated are not affected. The maximum allowable leakage rate specified in the Technical Specifications is unchanged, and radiological material release source terms are not affected, thus, the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The COL Appendix C Tables and corresponding plant-specific Tier 1 Tables proposed changes to update piping line name/number or functional capability requirements do not adversely affect the design or quality of any structure, system, or component. Adding or updating ASME Section III piping line information for existing process piping lines to a licensing table does not create a new fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed 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 COL Appendix C Tables and corresponding plant-specific Tier 1 Tables proposed changes involve updating piping line name/number or functional capability requirements information for new/existing process piping lines. Adding or updating the ASME Section III piping line name/number or functional capability requirements in the tables would not affect any radioactive material barrier. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus, no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC 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.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for

amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy 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: May 31, 2012, as supplemented by letters dated March 13, 2013, and November 25, 2014.

Brief description of amendments: The amendments approve a conditional exception to the end of cycle moderator temperature coefficient surveillance requirement if certain conditions are met.

Date of issuance: April 14, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 275, 271, 278, and 258. A publicly-available version of the application is in ADAMS under Accession No. ML12153A328; 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 Renewed Facility Operating licenses and Technical Specifications.

Date of initial notice in ***Federal Register****:* February 5, 2013 (78 FR 8198). The licensee's March 13, 2013, and November 25, 2014, supplements provided clarifying information that did not change the scope of the proposed amendment as described in the original notice of proposed action published in the **Federal Register**, and did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 14, 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: August 22, 2014, as supplemented by letter dated December 23, 2014.

Brief description of amendment: The amendment changed Technical Specification 3.7.1, ''Standby Service Water (SW) System and Ultimate Heal Sink (UHS),'' TS Surveillance Requirement 3.7.1.1 related to verifying that the average water level in the UHS spray ponds is the average of the level in both ponds.

Date of issuance: April 15, 2015.

Effective date: As of its date of issuance and shall be implemented within 10 days from the date of issuance.

Amendment No.: 233. A publicly-available version is in ADAMS under Accession No. ML15076A122; 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****:* September 5, 2014 (79 FR 53085). The supplemental letter dated December 23, 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 April 15, 2015.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–247, Indian Point Nuclear Generating Unit 2, Westchester County, New York

Date of amendment request: February 12, 2015, as supplemented by letters dated March 10, and April 1, 2015.

Brief description of amendment: The amendment revised the acceptance criteria for Surveillance Requirement 3.1.4.2 for Control Rod G–3. The change defers subsequent testing of Control Rod G–3 until repaired during the next forced outage of sufficient duration prior to the refuel outage of 2016 or during the refuel outage of 2016.

Date of issuance: April 2, 2015.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 280. A publicly-available version is in ADAMS under Accession No. ML15083A490; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License Nos. DPR–26: The amendment revised the Facility Operating License and the Technical Specifications.

Date of initial notice in ***Federal Register****:* March 2, 2015 (80 FR 11236). The supplemental letters provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment and final NSHC determination are contained in a Safety Evaluation dated April 2, 2015.

No significant hazards consideration comments received: Yes. The comments are addressed in the Safety Evaluation referenced above.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, BraidwoodStation, Units 1 and 2, Will County, Illinois; Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois; Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois; Exelon Generation Company, LLC, Docket Nos. 50–10, 50–237 and 50–249, Dresden Nuclear Power Station, Units 1, 2 and 3, Grundy County, Illinois; Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois; 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: August 11, 2014 (ADAMS Accession No. ML14224A245).

Brief description of amendments: The amendments revise the description of the Emergency Response Organization requalification training frequency for Exelon personnel defined in Exelon's governing Emergency Plans for the named stations from ''annually'' to ''once per calendar year not to exceed 18 months between training sessions.''

Date of issuance: April 8, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 182, 182, 188, 188, 203, 44, 243, 236, 213, 199, 256, and 251. A publicly-available version is in ADAMS under Accession No. ML14323A522. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–72, NPF–77, NPF–37, NPF–66, NPF- 62, DPR–2, DPR–19, DPR–25, NPF–11, NPF–

18, DPR–29, DPR–30: The amendments revised the Licenses.

Date of initial notice in ***Federal Register****:* September 30, 2014 (79 FR 58815).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 8, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date amendment request: April 30, 2014, as supplemented by letter dated October 16, 2014.

Brief description of amendment: The amendment revised Oyster Creek Nuclear Generating Station (OCNGS) Technical Specifications (TS) 4.5M, ''Shock Suppressors (Snubbers),'' to conform the TS to the revised OCNGS Snubber Inspection Program.

Date of issuance: April 3, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 286. A publicly-available version is in ADAMS under Accession No. ML15040A721; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License No. DPR–16: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* July 8, 2014 (79 FR 38590). The supplemental letter dated October 16, 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 April 3, 2015.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Units 1 and 2, Beaver County, Pennsylvania

Date of amendment request: April 16, 2014, as supplemented by letters dated November 4, 2014, and March 23, 2015.

Description of amendment request: The amendment changed the Beaver Valley Power Station Units 1 and 2 (BVPS–1 and BVPS–2) technical specifications (TS). Specifically, the amendment revised TS 5.5.12, ''Containment Leakage Rate Testing Program,'' Item a, by deleting reference to the BVPS–1 exemption transmittal letter dated December 5, 1984 (ADAMS Accession No. ML003766713), and requiring compliance with Nuclear Energy Institute (NEI) topical report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' (ADAMS Accession No. ML12221A202) instead of Regulatory Guide 1.163, ''Performance-Based Containment Leak Test Program,'' (ADAMS Accession No. ML003740058) including listed exceptions. In summary, the amendment allows extension of the Type A Reactor Containment Integrated Leak test, required by 10 CFR part 50, Appendix J, interval to one test in 15 years and an extension of the Type C test interval to 75 months, with a permissible extension period of 9 months (total of 84 months) for non-routine emergent conditions, based on acceptable performance history of the containment test as defined in NEI 94–01, Revision 3–A.

Date of Issuance: April 8, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 293 and 180. A publicly-available version is in ADAMS under Accession No. ML14322A461.

Facility Operating License Nos DPR–66 and NPF–73: Amendments revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* August 5, 2014 (79 FR 45477). The supplemental letters dated November 4, 2014, and March 23, 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 April 8, 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: February 6, 2015.

Brief description of amendments: The amendments modified the technical specifications requirements for unavailable barriers by adding limiting condition for operation 3.0.8. The changes are consistent with the NRC approved Technical Specification Task Force (TSTF) Standard Technical Specification change TSTF–427, ''Allowance for Non-Technical Specification Barrier Degradation on Supported System OPERABILITY,'' Revision 2.

Date of issuance: April 6, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 327—Unit 1; 310—Unit 2. A publicly-available version is in ADAMS under Accession No. ML15076A226; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

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****:* March 3, 2015 (80 FR 11478).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 6, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: April 7, 2014, as supplemented by letters dated October 3, 2014, and March 18, 2015.

Date of issuance: April 13, 2015.

Brief description of amendment: The amendment approves a revision to the emergency action levels from a scheme based on NEI 99–01, Revision 5, ''Methodology for Development of Emergency Action Levels'' to a scheme based on NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors.''

Effective date: As of the date of its issuance and shall be implemented within 180 days of issuance.

Amendment No.: 200. A publicly-available version is in ADAMS under Accession No. ML15063A355; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Renewed Facility Operating License.

Date of initial notice in ***Federal Register****:* June 6, 2014 (79 FR 32771). The supplemental letters dated October 3, 2014, and March 18, 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 April 13, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of application for amendment: June 3, 2014.

Brief description of amendments: The amendments revise the Technical Specification Limiting Condition for Operation 3.3.1 and Surveillance Requirement 3.2.4.2 related to the reactor trip system instrumentation.

Date of issuance: April 8, 2015.

Effective date: As of its date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment Nos.: Unit 1—197, Unit 2—193. A publicly-available version is in ADAMS under Accession No. ML15028A165, documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–2 and NPF–8: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register****:* July 22, 2014 (79 FR 42551).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 8, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: July 14, 2014, and supplemented by the letter dated December 12, 2014.

Brief description of amendment: The license amendment revised the Combined Licenses (COLs) to modify the fire area fire barriers of the turbine building switchgear rooms of the turbine building to accommodate the revised layout of the low and medium voltage switchgear and associated equipment.

Date of issuance: April 1, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 32. A publicly-available version is in ADAMS under Accession No. ML15037A045; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register****:* September 30, 2014 (79 FR 58812). The supplemental letter dated December 12, 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 April 1, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: July 29, 2014, and supplemented by the letter dated November 5, 2014.

Brief description of amendment: The license amendment revised the Combined Licenses (COLs) with regard to Tier 1 material and promoted consistency with the Updated Final Safety Analysis Report Tier 2.

Date of issuance: February 13, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 30. A publicly-available version is in ADAMS under Accession No. ML14350B012; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register****:* September 30, 2014 (79 FR 58812). The supplemental letter dated November 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 February 13, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 20th day of April 2015.

For the Nuclear Regulatory Commission.

Louise Lund,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–09758 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability & PRA; Notice of Meeting

The ACRS Subcommittee on Reliability & PRA will hold a meeting on May 5, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, May 5, 2015—1:00 p.m. Until 5:00 p.m.

The Subcommittee will discuss the progress made on the treatment of uncertainty in risk-informed decision making. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), John Lai (Telephone 301–415–5197 or Email: *John.Lai@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-*

rm/doc-collections/acrs. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 15, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–09859 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–25; NRC–2009–0076]

Department of Energy; Idaho Spent Fuel Facility Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has docketed a license amendment application from the Department of Energy (DOE or the licensee) for amendment of Materials License No. SNM–2512, for the Idaho Spent Fuel Facility independent spent fuel storage installation located on the Idaho National Engineering Laboratory in Butte County, Idaho. If granted, the amendment would revise the technical specifications for the Idaho Spent Fuel Facility independent spent fuel storage installation (ISFSI) to add the Essential Program Control Program. The addition of the Essential Program Control Program would conform the technical specifications to those of Three Mile Island, Unit 2, and Fort St. Vrain, and allow the Idaho Spent Fuel Facility to make changes to the Quality Assurance Program, the Radiological Environmental Monitoring Program, and the Training Program.

ADDRESSES: Please refer to Docket ID NRC–2009–0076 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–2009–0076. 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jose R. Cuadrado, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0606; email: *Jose.Cuadrado@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated February 17, 2015, DOE submitted to the NRC an application to amend the technical specifications for the Idaho Spent Fuel Facility ISFSI, located on the Idaho National Engineering Laboratory in Butte County, Idaho (ADAMS Accession No. ML15068A008). Materials License No. SNM–2512 authorizes the licensee to receive, store, and transfer spent nuclear fuel elements from the Peach Bottom Unit 1 reactor and various TRIGA reactors; reflector modules and rods from the Shippingport reactor; and associated radioactive materials and components related to the fuel elements' receipt, transfer, and storage. The proposed amendment would add the Essential Program Control Program to the technical specifications of the Idaho Spent Fuel Facility to conform to those of Three Mile Island, Unit 2, and Fort St. Vrain, and allow the Idaho Spent Fuel Facility to make changes to the Quality Assurance Program, the Radiological Environmental Monitoring Program, and the Training Program.

In a letter to DOE dated March 9, 2015, NRC notified DOE that the application was acceptable to begin a technical review (ADAMS Accession No. ML15068A382). The NRC's Office of Nuclear Materials Safety and Safeguards has docketed this application under Docket No. 72–25. If the NRC approves the amendment, the approval will be documented in an amendment to NRC Materials License No. SNM–2512. The Commission will approve the license amendment if it determines that the request complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations, and make findings consistent with the National Environmental Policy Act and part 51 of title 10 of the *Code of Federal Regulations* (10 CFR). These findings will be documented in a Safety Evaluation Report.

II. Opportunity To Request a Hearing

The Commission may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) or, if a determination is made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected, take immediate action on the amendment in accordance with 10 CFR 72.46(b)(2), and provide notice of the action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

Dated at Rockville, Maryland, this 17th day of April 2015.

For the Nuclear Regulatory Commission.

Michele Sampson,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–09872 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Fukushima; Notice of Meeting

The ACRS Subcommittee on Fukushima will hold a meeting on May

6, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 6, 2015—8:30 a.m. until 5:00 p.m.

The Subcommittee will review and discuss draft Regulatory Guides DG–1301, 1317, and 1319, and associated NEI documents that support the Mitigation of Beyond-Design-Basis Rulemaking, and draft Interim Staff Guidance and associated NEI Documents in support of Phase 2 of Order EA–13–109, Reliable Hardened Vents. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kathy Weaver (Telephone 301–415–6236 or Email: *Kathy.Weaver@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 16, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–09857 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on May 7–9, 2015, 11545 Rockville Pike, Rockville, Maryland.

Thursday, May 7, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Grand Gulf MELLLA+ License Amendment (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of Entergy and the staff regarding the safety evaluation associated with the Grand Gulf MELLLA+ license amendment request.

Note: A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).

10:45 a.m.–12:15 p.m.: RG 1.27, ''Ultimate Heat Sink for Nuclear Power Plants,'' Rev.3 (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding the latest proposed revision to RG 1.27.

1:15 p.m.–2:15 p.m.: Update on Reactor Oversight Process (ROP) (Open)—The Committee will hear a briefing by Member Skillman regarding the Reactor Oversight Process.

2:15 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

Friday, May 8, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. **Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–12:00 p.m.: Preparation for Meeting with the Commission (Open)—The Committee will discuss topics in preparation for the meeting with the Commission.

2:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting. **Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).

Saturday, May 9, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports. **Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of the March 6th, May 7th, May 8th and May 9th meetings may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 22nd day of April 2015.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2015–09867 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; NRC–2011–0024]

Crystal River Nuclear Generating Plant, Unit 3; Consideration of Approval of Transfer of License and Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Duke Energy Florida, Inc. (DEF) on November 7, 2014. The application seeks NRC approval of the direct transfer of Facility Operating License DPR–72 for Crystal River Nuclear Generating Plant, Unit 3, from eight minority co-owners to DEF. The NRC is also considering amending the facility operating license for administrative purposes to reflect the proposed transfer.

DATES: Comments must be filed by May 28, 2015. A request for a hearing must be filed by May 18, 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–2011–0024. 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.
- *Email comments to: Hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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: Michael D. Orenak, Office of Nuclear Reactor Regulation, telephone: 301–415–3229, email: *Michael.Orenak@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2011–0024 when contacting the NRC about the availability of information regarding 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–2011–0024.
- *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 application for direct transfer of license is available in ADAMS under Accession No. ML14321A450.
- *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–2011–0024 in the subject line of 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 submissions. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under section 50.80 of title 10 of the *Code of Federal Regulations* (10 CFR) approving the direct transfer of interests in Facility Operating License DPR–72 for Crystal River Nuclear Generating Plant, Unit 3, to the extent held by eight minority co-owners, to DEF. The NRC is also considering amending the facility operating license for administrative purposes to reflect the proposed transfer.

The DEF currently holds 91.78 percent ownership interest in Crystal River Nuclear Generating Plant, Unit 3. Following approval of the proposed direct transfer of control of the license, DEF would acquire the combined 6.52 percent interest in the facility held by the eight minority co-owners. The remaining 1.70 percent is held by Seminole Electric Cooperative, Inc.

No physical changes to Crystal River Nuclear Generating Plant, Unit 3, or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility, which does no more than conform the license to reflect the transfer action, involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention via electronic submission through the NRC's E-filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C ''Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309, which is available at the NRC's PDR, located at O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*.

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) the name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these

requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Requests for hearing, petitions for leave to intervene, and motions for leave to file contentions after the deadline in 10 CFR 2.309(b) will not be entertained absent a determination by the presiding officer that the new or amended filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1).

A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 18, 2015. The petition must be filed in accordance with the filing instructions in section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under section 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by June 29, 2015.

V. 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.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated November 7, 2014 (ADAMS Accession No. ML14321A450).

Dated at Rockville, Maryland, this 22nd day of April 2015.

For the Nuclear Regulatory Commission.

Meena K. Khanna,

Chief, Plant Licensing IV–2 and Decommissioning Transition Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–09907 Filed 4–27–15; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

National Council on Federal Labor-Management Relations Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The National Council on Federal Labor-Management Relations plans to meet on Wednesday, May 20, 2015.

The meeting will start at 10:00 a.m. EDT and will be held at the General Services Administration (GSA), 1800 F Street NW., Room 1459, Washington, DC 20405. This is a change from the previous location announced in a **Federal Register** notice published February 2, 2015 at 80 FR 5589. Interested parties should consult the Council Web site at *www.lmrcouncil.gov* for the latest information on Council activities, including changes in meeting logistics.

The Council is an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior Government officials. The Council was established by E. O. 13522, entitled, ''Creating Labor-Management Forums to Improve Delivery of Government Services,'' which was signed by the President on December 9, 2009. Along with its other responsibilities, the Council assists in the implementation of Labor Management Forums throughout the Government and makes recommendations to the President on innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

At its meetings, the Council will continue its work in promoting cooperative and productive relationships between labor and management in the executive branch, by carrying out the responsibilities and functions listed in section 1(b) of the E. O. The meetings are open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Tim Curry, Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street NW., Room 7H28, Washington, DC 20415. Phone (202) 606–2930 or email at *PLR@opm.gov.*

For the National Council.

Katherine Archuleta,

Director.

[FR Doc. 2015–09842 Filed 4–27–15; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74783; File No. SR–BX–2015–021]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX BX, Inc. Relating to NASDAQ OMX BX Equities Market Participant Registration and Sponsored Access

April 22, 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 16, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4611, entitled ''NASDAQ OMX BX Equities Market Participant Registration'' and adopt a new Rule 4615, entitled ''Sponsored Participants.''

The Exchange requests that the Commission waive the 30-day operative

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

delay period contained in Exchange Act Rule 19b–4(f)(6)(iii).[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 4611, entitled ''NASDAQ OMX BX Equities Market Participant Registration'' to: (i) Amend this rule, which today applies solely to members conducting an equities business on the Exchange, to apply to the rule text to members conducting an options business on the Exchange; and (ii) delete 4611(d) pertaining to Sponsored Access and relocate the text to new Rule 4615 and also apply the rule to members transacting an options business.

Exchange Rule 4611 today applies solely to the BX Equities market. This rule explains the various conditions that registration with the Exchange shall be conditioned upon initially and then subsequently imposing a continuing obligation to comply with the requirements. The requirements include a relationship with a clearing agency, compliance with Rules and procedures for use of the Trading System, rules concerning equipment usage, and compliance with rules regarding the acceptance and settlement of a trade. Rule 4611 requires reporting of noncompliance by the member and permits the Exchange to impose temporary restrictions to address a system problem. At the time this rule was adopted in 2008 the Exchange did not operate an options market. In 2012, BX received approval to establish a new options market.[4] At this time, the Exchange intends to apply the provisions of Rule 4611 to all of its members similar to the NASDAQ Stock Market LLC (''Nasdaq') Rule 4611.[5] The Exchange is removing all references to ''Equities'' in Rule 4611 and adding the word ''BX,'' where appropriate, to apply the Rule to all members of the Exchange, including equities and options members.

The Exchange also proposes to relocate the rule applicable to Sponsored Participant from Rule 4611(d) to a new Rule 4615 to create a separate rule and apply the rule to both equity and options members. Today, 4611(d) refers solely to equity members of the Exchange. The Exchange proposes to title the new rule ''Sponsored Participants.''

A Sponsored Participant is an entity with authorized electronic access to the Exchange for the entry and execution of orders. A Sponsored Participant trades under a Sponsoring Member's execution and clearing identity pursuant to a sponsorship arrangement. The rules continue to require the Sponsoring Member to take responsibility for the Sponsored Participant's activity on the Exchange. Similar to current Rule 4611(d), the relocated rule text imposes the same responsibilities as the current rule for Sponsored Participants, except that members conducting an options business on the Exchange will also have the ability to offer Sponsored Access.

By way of background, new Rule 4615, similar to Rule 4611(d) continues to require the following elements for the Sponsored Access. First, the Sponsored Participant and its Sponsoring Member must have entered into and maintained an Access Agreement with the Exchange. The Sponsoring Member must designate the Sponsored Participant by name in an addendum to the Access Agreement. Second, there must be a Sponsored Participant Agreement between the Sponsoring Member and the Sponsored Participant that contains certain sponsorship provisions, enumerated in full in Rule 4615(b)(ii). The orders of the Sponsored Participant are binding in all respects on the Sponsoring Member. The Sponsoring Member is responsible for the actions of the Sponsored Participant. In addition to the Sponsoring Member being required to comply with the Exchange Certificate of Incorporation, By-Laws, Rules and procedures of the Exchange, the Sponsored Participant shall do so as if such Sponsored Participant were an Exchange member. The Sponsored Participant shall maintain, keep current and provide to the Sponsoring Member a list of individuals authorized to obtain access to the Exchange on behalf of the Sponsored Participant. The Sponsored Participant shall familiarize its authorized individuals with all of the Sponsored Participant's obligations under this Rule and will assure that they receive appropriate training prior to any use or access to the Exchange. The Sponsored Participant may not permit anyone other than authorized individuals to use or obtain access to the Exchange.[6] The Sponsored Participant shall take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange, and agrees that it is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of authorized individuals, and for the trading and other consequences thereof. The Sponsored Participant acknowledges its responsibility to establish adequate procedures and controls that permit it to effectively monitor its employees', agents' and Participants' use and access to the Exchange for compliance with the terms of this agreement. Finally, the Sponsored Participant shall pay when due all amounts, if any, payable to Sponsoring Member, the Exchange, or any other third parties that arise from the Sponsored Participant's access to and use of the Exchange. Such amounts include, but are not limited to applicable exchange and regulatory fees. Third, the Sponsoring Member must provide the Exchange with a Sponsored Participant Addendum to its Access Agreement acknowledging its responsibility for the orders, executions and actions of its Sponsored Participant at issue.

The Exchange would apply the Sponsored Participant rule to members conducting an options business on the Exchange. Today the rule applies solely to members conducting an equities business on the Exchange. The Exchange intends to offer sponsored access in the same manner as NASDAQ

[3] 17 CFR 240.19b–4(f)(6)(iii).

[4] *See* Securities Exchange Act Release No. 67256 (Jun 26, 2012), 77 FR 39277 (July 2, 2012) (SR–BX–2012–030).

[5] *See* Nasdaq Rule 4611(d).

[6] If the Exchange determines that an authorized individual has caused a Member to violate the Exchange's Rules, the Exchange could direct the Member to suspend or withdraw the person's status as an authorized individual.

to members conducting an options and an equities business.[7]

The Exchange is removing all references to ''Equities'' in Rule 4611 and adding the word ''BX,'' where appropriate, to apply the Rule to all members of the Exchange, equities and options members.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(5) of the Act [9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by continuing to permit market participants gain access to a marketplace. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.[10]

With respect to Rule 4611, the proposed amendments would permit the Rule to be equally applicable to all members of the Exchange, equity and options. Today, the rule applies solely to equity members. The Exchange intends to offer uniform access and permit members conducting an equities and options business on the Exchange to similarly offer Sponsored Access as is the case today on the Nasdaq market with new Rule 4615.[11] Similarly, the Exchange intends to impose equal obligations for accessing the System on members conducting either an equities or an options business with revised Rule 4611. The Exchange believes that applying these rules in a uniform manner to all members (equity and options) would result in uniform application of Exchange rules.

Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) requirement that the rules of a national securities exchange be designed to not permit unfair discrimination between customer, issuers, brokers or dealers.[12] New Rule 4615 continues to make clear the obligations of the Sponsoring Members.

The Exchange believes that the changes proposed herein should serve to help market participants seeking access to its marketplace. The Exchange believes that proposed Rule 4615, similar to current Rule 4611(d), allows the Exchange to receive from Sponsoring Members certain information in a uniform format, which aids the Exchange's efforts to monitor and regulate BX's markets and its members and aids the prevention of fraudulent and manipulative practices.

The Exchange believes that the proposed rule change is designed to avoid unfair discrimination among members, as the proposed rule change provides for the Exchange to impose requirements on members in an objective manner. The proposed amendments extend the requirements in Rule 4611 and the access in new Rule 4615 to both equity and options members. Finally, the proposed rule change will help remove impediments to and promote a free and open market and a national market system because it is consistent with rules in place at other exchanges and imposes substantially similar requirements on its members.

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. Rule 4611 obligations would apply uniformly to both equity and options members. Similarly, new Rule 4615 will treat all members, equity and options members, in a uniform fashion. The proposed rule change seeks to provide clear guidelines on the responsibilities of all parties that provide Sponsored Access as well as the responsibilities owed by Sponsored Members. The proposed rule is similar to other exchange rules.

The proposed rule change does not impose any undue burden on competition, rather it seeks to uniformly apply both Rule 4611 and new Rule 4615 to all members, equity and options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest; does not impose any significant burden on competition; and by its terms does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) [13] of the Act and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2015–021 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.

[7] *See* Nasdaq Rule 4611(d).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] *See* Nasdaq Rule 4611(d).

[12] *Id.*

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

All submissions should refer to File Number SR–BX–2015–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2015–021 and should be submitted on or before May 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09764 Filed 4–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74786; File No. SR–CBOE–2015–022]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Related to Equipment and Communication on the Exchange's Trading Floor

April 22, 2015.

On February 20, 2015, the Chicago Board Options Exchange, Incorporated (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's rules relating to equipment and communication devices used on the Exchange's trading floor. The proposed rule change was published for comment in the **Federal Register** on March 10, 2015.[3] The Commission received no comment letters on this proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is April 24, 2015.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change. The proposed rule change would, among other things, eliminate the requirement for members to obtain approval from the Exchange before using any new communication device on the trading floor.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 8, 2015 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CBOE–2015–022).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09766 Filed 4–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74794; File No. 600–34]

Self-Regulatory Organizations; SS&C Technologies, Inc.; Notice of Filing of Application for Exemption From Registration as a Clearing Agency

April 23, 2015.

I. Introduction

On April 15, 2013, SS&C Technologies, Inc. (''SS&C'') filed with the Securities and Exchange Commission (''Commission'') an application on Form CA–1 for exemption from registration as a clearing agency pursuant to Section 17A of the Securities Exchange Act of 1934 (''Exchange Act'') and Rule 17Ab2–1 thereunder. SS&C amended its application on August 12, 2013, December 23, 2014, and March 30, 2015. SS&C is requesting an exemption from clearing agency registration in connection with its proposal to offer an electronic trade confirmation (''ETC'') service and a matching service. The Commission is publishing this notice in order to solicit comments from interested persons on the exemption request.[1] The Commission will consider any comments it receives in making its determination whether to grant SS&C's request for an exemption from clearing agency registration.

II. Background

A. SS&C Organization

SS&C was incorporated in the State of Delaware on March 29, 1996. SS&C's headquarters are in Windsor, Connecticut, with offices in 20 locations across the United States. SS&C has additional offices in Toronto and other locations throughout the world, and is a global provider of financial services-related solutions to investment management, banking, and other financial sector clients. All control and direction over SS&C is vested in SS&C Technologies Holdings, Inc., SS&C's parent company and a public holding company listed on NASDAQ (symbol SSNC).[2]

SS&C proposes to provide ETC services and matching services for fixed-income and equity trades as described

[15] 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. 74438 (March 4, 2015), 80 FR 12671.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

[1] The descriptions set forth in this notice regarding the structure and operations of SS&C have been largely derived from information contained in SS&C's amended Form CA–1 application and publicly available sources. The application and non-confidential exhibits thereto are available on the Commission's Web site.

[2] *See* Form CA–1 at p. 111 (Exhibit C, providing a graphic description of SS&C's organizational structure).

in its Form CA–1 application. An overview of SS&C's proposed matching service is presented in Part III below. All matching service activities would be performed by SS&C's subsidiary, SS&C Technologies Canada Corp. (''SS&C Canada''). The policies and operations of SS&C Canada are overseen by its officers and directors, and are subject to control by SS&C's parent, SS&C Technologies Holdings, Inc. SS&C Canada will perform the matching services in Mississauga, Canada, through its software-enabled service, SSCNet, which is a global trade network linking investment managers, broker-dealers, clearing agencies, custodians, and interested parties. Client support for these services will be rendered through SS&C's offices in the United States, the United Kingdom, and Australia. SS&C will coordinate support activity, which includes help desk facilities and call and issue tracking through a shared client call database, and relationship management. SS&C and SS&C Canada will maintain an intercompany agreement setting forth respective services and obligations.

In addition to the conditions set forth in this notice, SS&C has made the following representations regarding its operations: (i) SS&C shall obtain contractual commitments from its customers permitting it to provide information to the Ontario Securities Commission, the Commission, and other third parties; (ii) SS&C shall make available SS&C Canada employees in Canada or the United States for interview by the Commission subject to reasonable notice, provided that such action does not impose unreasonable hardship under applicable immigration law on such employees; (iii) as set forth in the intercompany agreement, SS&C shall provide the Commission access to information related to SS&C's matching system and ETC services, including those documents it receives from its service provider, SS&C Canada (the ''Business Activities Information''); (iv) SS&C Canada shall provide on the same business day to SS&C at its headquarters in Windsor, Connecticut electronically generated Business Activities Information, in whatever form SS&C shall specify, including regularly and automatically generated and ad hoc reports, books and records, correspondence, memoranda, papers, notices, accounts and other such records; and (v) SS&C Canada shall send to SS&C at its headquarters in Windsor, Connecticut all manually generated Business Activities Information, in whatever form SS&C shall specify, no later than the business day on which the record is granted. Further, SS&C has confirmed with external counsel that implementation of the intercompany agreement would not violate the Canadian Personal Information Protection and Electronic Documents Act or the Ontario Business Records Protection Act.[3] This would allow for the disclosure of personal information by SS&C Canada to SS&C (U.S.).

SS&C's directors and officers maintain direct control over SS&C and will oversee the business of SS&C's proposed matching service. The board of directors includes a standing audit committee and, from time to time, special committees formed to address specific issues.[4] SS&C is owned principally by public shareholders, including William C. Stone, who controls approximately 20% of the shares and has indirect control of SS&C.[5]

B. Matching as a Clearing Agency Function

On April 6, 1998, the Commission issued an interpretive release regarding matching services[6] (the ''Matching Release'').[7] In the Matching Release, the Commission concluded that matching constitutes a clearing agency function, specifically the ''comparison of data respecting the terms of settlement of securities transactions,'' within the meaning of Section 3(a)(23)(A) of the Exchange Act.[8] Therefore, any person providing independent matching services must either register with the Commission as a clearing agency or obtain an exemption from registration pursuant to Section 17A of the Exchange Act and Rule 17Ab2–1 thereunder.[9] In 2001, the Commission granted an exemption from registration as a clearing agency to Omgeo, a subsidiary of The Depository Trust and Clearing Corporation (''DTCC'') and Thomson Financial, to conduct ETC and matching services.[10] SS&C has applied for a similar exemption from registration as a clearing agency to provide ETC and matching services.

III. SS&C's Proposed Matching Service

In its application for exemption from registration as a clearing agency, SS&C states it will provide ETC and matching services for broker-dealers and institutional customers that will allow such entities to streamline communications and process allocation and post-trade information for fixed-income and equity trades for depository eligible U.S. securities.[11] According to SS&C, users of its services will gain access to a matching utility that is affordable, flexible in handling either part or all of the trade matching cycle, and easily interfaced with other matching utilities. Its matching service allows users to route an order to a broker, receive an execution notice from the broker, and enter trade details and allocations so that SS&C's matching service can generate a matched confirmation and send an affirmed confirmation to the depository at the Depository Trust Company (''DTC'')—the full lifecycle of a trade.

SS&C's matching service will offer both block level matching and detail level matching.[12] The block level matching, also known as trade level matching, is an optional first step that requires a broker-dealer to submit a final cumulative notice of execution (''NOE'')

[3] As the draft intercompany agreement is governed by Connecticut law, and as external counsel are not qualified to practice in Connecticut, in providing these opinions they have assumed that the provisions of the Agreement have the same meaning under Connecticut law as they would under Ontario and Canadian law.

[4] For example, SS&C maintains an Information Security Policy as well as a Confidentiality and Privacy Policy to ensure customer information is protected. The SS&C Board of Directors and executive officers are ultimately responsible for Information Security. The Vice President of Security coordinates the Information Security activities within SS&C.

[5] *See* Form CA–1 at p. 112 (Exhibit D).

[6] The term ''matching service'' as used here means an electronic service to centrally match trade information between a broker-dealer and its institutional customer.

[7] *See* Confirmation and Affirmation of Securities Trades; Matching, Exchange Act Release No. 34–39829 (Apr. 6, 1998), 63 FR 17943 (Apr. 13, 1998).

[8] In addition, on July 1, 2011, the Commission published a conditional temporary exemption from clearing agency registration for entities that perform for security-based swap transactions certain post-trade processing services, including matching services. *See* Exchange Act Release No. 34–64796 (Jul. 1, 2011), 76 FR 39963 (Jul. 7, 2011) (providing an exemption from registration under Section 17A(b) of the Exchange Act, and stating that ''[t]he Commission is using its authority under section 36 of the Exchange Act to provide a conditional temporary exemption, until the compliance date for the final rules relating to registration of clearing agencies that clear security-based swaps pursuant to sections 17A(i) and (j) of the Exchange Act, from the registration requirement in section 17A(b)(1) of the Exchange Act to any clearing agency that may be required to register with the Commission solely as a result of providing Collateral Management Services, Trade Matching Services, Tear Up and Compression Services, and/or substantially similar services for security-based swaps''). The order facilitated the Commission's identification of entities that operate in that area and that accordingly may fall within the clearing agency definition.

[9] *See* 15 U.S.C. 78q–1 and 17 CFR 240.17Ab2–1.

[10] *See* Global Joint Venture Matching Services—US, LLC; Order Granting Exemption From Registration as a Clearing Agency, Exchange Act Release No. 34–44188 (Apr. 17, 2001), 66 FR 20494 (Apr. 23, 2001) (''Omgeo Exemptive Order''). On July 24, 2013, DTCC announced that it had entered into an agreement with Thomson Financial to acquire full ownership of Omgeo.

[11] *See* Form CA–1 at p. 129 (Exhibit S).

[12] *See id.* at p. 118 (Exhibit J).

on the trade date, which will be matched against the aggregated totals of the corresponding allocations submitted on the trade date by the investment manager.[13] During import of the trade data, the matching service validates key fields, and if errors are found, the trade is placed in a reprocess queue and displayed within a reprocess blotter to allow for manual data correction or resubmission. The matching service will allow the investment manager and the broker-dealer to configure a match agreement to determine whether to require block level matching, which instrument types are eligible for block level matching, and which fields are eligible as well. For example, the counterparties may choose to match proceeds based on gross or net amounts. The investment manager is allowed to set tolerances against certain fields (such as accrued, commission, fees, price, or settlement amount) on either an actual or percentage basis, and if the details submitted by the broker-dealer fall within the accepted tolerance range, the details are deemed to be accepted by the investment manager. SS&C's matching service considers all matches within tolerance to be partially matched, with exact matches to be fully matched, and matches outside of the tolerance (or submitted details without a corresponding entry by the counterparty) to be unmatched.

Detail level matching occurs either at once or after the block level matching process is complete. Upon receipt of an allocation, a broker-dealer can generate a confirmation for delivery to the investment manager and capture within SS&C's matching service. The confirmation is subject to validation of its key fields, and any errors are returned to the broker-dealer through a reprocess blotter. Like the block level matching process, the detail level matching process allows the investment manager to determine which fields must be matched, and within what tolerance such matches should be set. The same partially matched, exact match and unmatched results apply to the detail level matching process as they do in the block level matching process. However, because additional time is required to prepare and submit allocations or confirmations, there is a ''Waiting to be Matched'' period that can be established by the investment manager, which allows trades to be matched within this period (approximately thirty minutes), with other trades appearing as unmatched.[14] Trades can be released to custodian or interested parties that are direct members of SS&C's network SSCNet once the trade enters the network, or after the match. If a custodian is responsible for affirming a trade, it can be released to them immediately.

Standing instructions are provided through the Delivery Instruction Database (''DIDB''), which is fully integrated into SSCNet, and provides a repository for settlement instructions across asset classes, including foreign exchange and term deposits. Rather than requiring users to attach instructions to portfolios directly, or maintaining portfolios within the DIDB, a cross-referencing mechanism is used to ensure portfolios are synchronized with the proper set of instructions. In addition, local cross-referencing allows each user to maintain its own set of currency codes, transaction type identifiers, counterparty codes, and portfolio identifiers, ensuring that the responsibility for maintenance rests with each user.[15] SSCNet is also integrated into the Society for Worldwide Interbank Financial Telecommunication (''SWIFT'') Network, allowing users to communicate with parties outside the SSCNet platform.[16] For example, some users desire receiving transactions from a batch facility, rather than SSCNet's real-time message system. Users can select the output format for batch communications (SSCNet proprietary, SWIFT, ISITC, or DTC affirmation format), as well as when the batch should be submitted. Once a transaction is exported from SSCNet, it is marked in the audit trail.

Finally, central time stamping and a full audit trail are available for all transactions, with transaction histories maintained online for a minimum of 45 days and accessible in an online archive for up to 10 years.[17]

Other than the above matching service, SS&C's Form CA–1 application indicates that it will not perform any other functions of a clearing agency requiring registration under Section 17A of the Exchange Act,[18] such as net settlement, maintaining a balance of open positions between buyers and sellers, marking securities to the market, or handling funds or securities.

IV. SS&C's Request for an Exemption

A. Introduction

In its Form CA–1 application, SS&C notes that it has engaged in ETC and settlement services for over 20 years. During that time, SS&C states that it has maintained open interoperability conditions and has provided the assurance to participants and regulators abroad of a secure, reliable service.[19] Its SSCNet utility offers a post-trade, pre-settlement ETC and affirmation service for all constituents in the institutional trade process, including investment managers, broker-dealers, custodians, and other interested parties.[20]

In sum, SS&C believes that users of its service in the United States will ''gain access to a matching utility that is affordable, a utility that will strengthen the industry-wide business continuity efforts in the institutional trading area and will allow users to choose the best matching process for their purposes.'' [21] SS&C also believes that the flexibility offered by its SSCNet service ''will allow easy interfacing with other matching utilities and therefore offer market participants a greater choice in selecting their matching provider.'' [22]

B. Conditions to Exemption From Registration

SS&C represents in its Form CA–1 that it would comply with the list of conditions found below regarding its operations and interoperability with other matching providers.[23] The Commission preliminarily believes that the conditions are important tools to facilitate effective systems interoperability. By establishing a framework that allows the customers of multiple service providers to conduct transactions without having to join each matching provider, the Commission preliminarily believes that the interoperability conditions help

[13] *See id.*

[14] *See id.*

[15] *See id.* at p. 119 (Exhibit J).

[16] *See id.*

[17] *See id.*

[18] *See id.* at p. 118 (Exhibit J).

[19] *See id.* at p. 129 (Exhibit S).

[20] *See id.* at p. 118 (Exhibit J).

[21] *See id.* at p. 129 (Exhibit S).

[22] *See id.*

[23] *See id.* In addition, on November 19, 2014, the Commission adopted Regulation Systems Compliance and Integrity (''Reg SCI''), which would require ''SCI entities'' to comply with requirements for policies and procedures with respect to their automated systems that support the performance of their regulated activities. *See* Exchange Act Release No. 34–73639 (Nov. 19, 2014), 79 FR 72251, 72271 (Dec. 5, 2014). Rule 1000(a) of Reg SCI would define an ''SCI entity'' to include, among other things, a registered clearing agency and an exempt clearing agency subject to the Commission's Automation Review Policies (''ARP''). In particular, the term ''exempt clearing agency subject to ARP'' includes ''an entity that has received from the Commission an exemption from registration as a clearing agency under Section 17A of the Exchange Act, and whose exemption contains conditions that relate to the Commission's [ARP] Policies, or any Commission regulation that supersedes or replaces such policies.'' The Commission notes that the below conditions would meet the definition described in Rule 1000(a) of Reg SCI, requiring an exempt clearing agency subject to ARP to meet the applicable requirements set forth in Reg SCI.

facilitate the linking of clearance and settlement facilities.[24]

C.1. Operational Conditions

(1) Before beginning the commercial operation of its matching service, SS&C shall provide the Commission with an audit report that addresses all the areas discussed in the Commission's Automation Review Policies (''ARP'').[25]

(2) SS&C shall provide the Commission with annual reports and any associated field work prepared by competent, independent audit personnel that are generated in accordance with the annual risk assessment of the areas set forth in the ARP. SS&C shall provide the Commission (beginning in its first year of operation) with annual audited financial statements prepared by competent independent audit personnel.

(3) SS&C shall report all significant systems outages to the Commission. If it appears that the outage may extend for thirty minutes or longer, SS&C shall report the systems outage immediately. If it appears that the outage will be resolved in less than thirty minutes, SS&C shall report the systems outage within a reasonable time after the outage has been resolved.

(4) SS&C shall provide the Commission with 20 business days advance notice of any material changes that SS&C makes to the matching service or ETC service. These changes will not require the Commission's approval before they are implemented.

(5) SS&C shall respond and require its service providers to respond to requests from the Commission for additional information relating to the matching service and ETC service, and provide access to the Commission to conduct on-site inspections of all facilities (including automated systems and systems environment), records, and personnel related to the matching service and the ETC service. The requests for information shall be made and the inspections shall be conducted solely for the purpose of reviewing the matching service's and the ETC service's operations and compliance with the federal securities laws and the terms and conditions in any exemptive order issued by the Commission with respect to SS&C's matching service and the ETC service.

(6) SS&C shall supply the Commission or its designee with periodic reports regarding the affirmation rates for institutional transactions effected by institutional investors that utilize its matching service and ETC service.[26]

(7) SS&C shall preserve a copy or record of all trade details, allocation instructions, central trade matching results, reports and notices sent to customers, service agreements, reports regarding affirmation rates that are sent to the Commission or its designee, and any complaint received from a customer, all of which pertain to the operation of its matching service and ETC service. SS&C shall retain these records for a period of not less than five years, the first two years in an easily accessible place.

(8) SS&C shall not perform any clearing agency function (such as net settlement, maintaining a balance of open positions between buyers and sellers, or marking securities to the market) other than as permitted in an exemption issued by the Commission.

(9) Before beginning the commercial operation of its matching service, SS&C shall provide the Commission with copies of the intercompany agreement between SS&C and SS&C Canada and shall notify the Commission of any material changes to the service agreement.

C.2. Interoperability Conditions

(1) SS&C shall develop, in a timely and efficient manner, fair and reasonable linkages between SS&C's matching service and other matching services that are registered with the Commission or that receive or have received from the Commission an exemption from clearing agency registration that, at a minimum, allow parties to trades that are processed through one or more matching services to communicate through one or more appropriate effective interfaces with other matching services.

(2) SS&C shall devise and develop interfaces with other matching services that enable end-user clients or any service that represents end-user clients to SS&C (''end-user representative'') to gain a single point of access to SS&C and other matching services. Such interfaces must link with each other matching service so that an end-user client of one matching service can communicate with all end-user clients of all matching services, regardless of which matching service completes trade matching prior to settlement.

(3) If any intellectual property proprietary to SS&C is necessary to develop, build, and operate links or interfaces to SS&C's matching service, as described in these conditions, SS&C shall license such intellectual property to other matching services seeking linkage to SS&C on fair and reasonable terms for use in such links or interfaces.

(4) SS&C shall not engage in any activity inconsistent with the purposes of Section 17A(a)(2) of the Exchange Act,[27] which section seeks the establishment of linked or coordinated facilities for clearance and settlement of transactions. In particular, SS&C will not engage in activities that would prevent any other matching service from operating a matching service that it has developed independently from SS&C's matching service.

(5) SS&C shall support industry standards in each of the following categories: Communication protocols (*e.g.,* TCP/IP, SNA); message and file transfer protocols and software (*e.g.,* FIX, WebSphere MQ, SWIFT); message format standards (*e.g.,* FIX); and message languages and metadata (*e.g.,* XML). However, SS&C need not support all existing industry standards or those listed above by means of example. Within three months of regulatory approval, SS&C shall make publicly known those standards supported by SS&C's matching service. To the extent that SS&C decides to support other industry standards, including new and modified standards, SS&C shall make these standards publicly known upon making such decision or within three months of updating its system to support such new standards, whichever is sooner. Any translation to/from these published standards necessary to communicate with SS&C's system shall be performed by SS&C without any significant delay or service degradation of the linked parties' services.

(6) SS&C shall make all reasonable efforts to link with each other matching service in a timely and efficient manner, as specified below. Upon written request, SS&C shall negotiate with each other matching service to develop and build an interface that allows the two to link matching services (''interface''). SS&C shall involve neutral industry participants in all negotiations to build or develop interfaces and, to the extent feasible, incorporate input from such participants in determining the specifications and architecture of such

[24] *See* 15 U.S.C. 78q–1(a)(1)(D).

[25] *See* Exchange Act Release Nos. 34–27445 (Nov. 16, 1989), 54 FR 48703 (Nov. 24, 1989) (''ARP I''), and 34–29185 (May 9, 1991), 56 FR 22490 (May 15, 1991) (''ARP II''); *see also* Memorandum from the Securities and Exchange Commission Division of Market Regulation to SROs and NASDAQ (June 1, 2001) (''Guidance for Systems Outages and System Change Notifications''), *available at http://www.sec.gov/divisions/marketreg/sro-guidance-for-systems-outage-06-01-2001.pdf.*

[26] DTC submits monthly affirmation/confirmation reports to the appropriate self-regulatory organizations. The Commission anticipates a similar schedule for SS&C.

[27] 15 U.S.C. 78q–1(a)(2)(A)(ii).

interfaces. Absent adequate business or technological justification,[28] SS&C and the requesting other matching service shall conclude negotiations and reach a binding agreement to develop and build an interface within 120 calendar days of SS&C's receipt of the written request. This 120-day period may be extended upon the written agreement of both SS&C and the other matching service engaged in negotiations. For each other matching service with whom SS&C reaches a binding agreement to develop and build an interface, SS&C shall begin operating such interface within 90 days of reaching a binding agreement and receiving all the information necessary to develop and operate it. This 90-day period may be extended upon the written agreement of both SS&C and the other matching service. For each interface and within the same time SS&C must negotiate and begin operating each interface, SS&C and the other matching service shall agree to ''commercial rules'' for coordinating the provision of matching services through their respective interfaces, including commercial rules: (A) Allocating responsibility for performing matching services; and (B) allocating liability for service failures. SS&C shall also involve neutral industry participants in negotiating applicable commercial rules and, to the extent feasible, take input from such participants into account in agreeing to commercial rules. At a minimum, each interface shall enable SS&C and the other matching service to transfer between them all trade and account information necessary to fulfill their respective matching responsibilities as set forth in their commercial rules (''trade and account information''). Absent an adequate business or technological justification, SS&C shall develop and operate each interface without imposing conditions that negatively impact the other matching service's ability to innovate its matching service or develop and offer other value-added services relating to its matching service or that negatively impact the other matching service's ability to compete effectively against SS&C.

(7) In order to facilitate fair and reasonable linkages between SS&C and other matching services, SS&C shall publish or make available to any other matching service the specifications for any interface and its corresponding commercial rules that are in operation within 20 days of receiving a request for such specifications and commercial rules. Such specifications shall contain all the information necessary to enable any other matching services not already linked to SS&C through an interface to establish a linkage with SS&C through an interface or a substantially similar interface. SS&C shall link to any other matching service, if the other matching service so opts, through an interface substantially similar to any interface and its corresponding commercial rules that SS&C is currently operating. SS&C shall begin operating such substantially similar interface and commercial rules with the other matching service within 90 days of receiving all the information necessary to operate that link. This 90-day period may be extended upon the written agreement of both SS&C and the other matching service that plans to use that link.

(8) SS&C and respective other matching services shall bear their own costs of building and maintaining an interface, unless otherwise negotiated by the parties.

(9) SS&C shall provide to all other matching services and end-user representatives that maintain linkages with SS&C sufficient advance notice of any material changes, updates, or revisions to its interfaces to allow all parties who link to SS&C through affected interfaces to modify their systems as necessary and avoid system downtime, interruption, or system degradation.

(10) SS&C and each other matching service shall negotiate fair and reasonable charges and terms of payment for the use of their interface with respect to the sharing of trade and account information (''interface charges''). In any fee schedule adopted under conditions C.2(10), C.2(11), or C.2(12) herein, SS&C's interface charges shall be equal to the interface charges of the respective other matching service.

(11) If SS&C and the other matching service cannot reach agreement on fair and reasonable interface charges within 60 days of receipt of the written request, SS&C and the other matching service shall submit to binding arbitration under the rules promulgated by the American Arbitration Association. The arbitration panel shall have 60 days to establish a fee schedule. The arbitration panel's establishment of a fee schedule shall be binding on SS&C and the other matching service unless and until the fee schedule is subsequently modified or abrogated by the Commission or SS&C and the other matching service mutually agree to renegotiate.

(12)(A) The following parameters shall be considered in determining fair and reasonable interface charges: (i) The variable cost incurred for forwarding trade and account information to other matching services; (ii) the average cost associated with the development of links to end-users and end-user representatives; and (iii) SS&C's interface charges to other matching services. (B) The following factors shall not be considered in determining fair and reasonable interface charges: (i) The respective cost incurred by SS&C or the other matching service in creating and maintaining interfaces; (ii) the value that SS&C or the other matching service contributes to the relationship; (iii) the opportunity cost associated with the loss of profits to SS&C that may result from competition from other matching services; (iv) the cost of building, maintaining, or upgrading SS&C's matching service; or (v) the cost of building, maintaining, or upgrading value added services to SS&C's matching service. (C) In any event, the interface charges shall not be set at a level that unreasonably deters entry or otherwise diminishes price or non-price competition with SS&C by other matching services.

(13) SS&C shall not charge its customers more for use of its matching service when one or more counterparties are customers of other matching services than SS&C charges its customers for use of its matching service when all counterparties are customers of SS&C. SS&C shall not charge customers any additional amount for forwarding to or receiving trade and account information from other matching services called for under applicable commercial rules.

(14) SS&C shall maintain its quality, capacity, and service levels in the interfaces with other matching services (''matching services linkages'') without bias in performance relative to similar transactions processed completely within SS&C's service. SS&C shall preserve and maintain all raw data and records necessary to prepare reports tabulating separately the processing and response times on a trade-by-trade basis for (A) completing its matching service when all counterparties are customers of SS&C; (B) completing its matching service when one or more counterparties are customers of other matching services; or (C) forwarding trade information to other matching services called for under applicable commercial rules. SS&C shall retain the data and records for a period not less than six years. Sufficient information shall be maintained to demonstrate that the requirements of condition C.2(15) below are being met. SS&C and its service providers shall provide the

[28] The failure of neutral industry participants to be available or to submit their input within the 120 day or 90 day time periods set forth in this paragraph shall not constitute an adequate business or technological justification for failing to adhere to the requirements set forth in this paragraph.

Commission with reports regarding the time it takes SS&C to process trades and forward information under various circumstances within 30 days of the Commission's request for such reports. However, SS&C shall not be responsible for identifying the specific cause of any delay in performing its matching service where the fault for such delay is not attributable to SS&C.

(15) SS&C shall process trades or facilitate the processing of trades by other matching services on a first-in-time priority basis. For example, if SS&C receives trade and account information that SS&C is required to forward to other matching services under applicable commercial rules (''pass-through information'') prior to receiving trade and account information from SS&C's customers necessary to provide matching services for a trade in which all parties are customers of SS&C (''intra-hub information''), SS&C shall forward the pass-through information to the designated other matching service prior to processing the intra-hub information. If, on the other hand, the information were to come in the reverse order, SS&C shall process the intra-hub information before forwarding the pass-through information.

(16) SS&C shall sell access to its databases, systems or methodologies for transmitting settlement instructions (including settlement instructions from investment managers, broker-dealers, and custodian banks) and/or transmitting trade and account information to and receiving authorization responses from settlement agents on fair and reasonable terms to other matching services and end-user representatives. Such access shall permit other matching services and end-user representatives to draw information from those databases, systems, and methodologies for transmitting settlement instructions and/or transmitting trade and account information to and receiving authorization responses from settlement agents for use in their own matching services or end-user representatives' services. The links necessary for other matching services and end-user representatives to access SS&C's databases, systems or methodologies for transmitting settlement instructions and/or transmitting trade and account information to and receiving authorization responses from settlement agents will comply with conditions C.2(3), C.2(5), C.2(9), C.2(14) and C.2(15) above.

(17) For the first five years from the date of an exemptive order issued by the Commission with respect to SS&C's matching service, SS&C shall provide the Commission with reports every six months sufficient to document SS&C's adherence to the obligations relating to interfaces set forth in conditions C.2(6) through C.2(13) and C.2(16) above. SS&C shall incorporate into such reports information including but not limited to (A) all other matching services linked to SS&C; (B) the time, effort, and cost required to establish each link between SS&C and other matching services; (C) any proposed links between SS&C and other matching services as well as the status of such proposed links; (D) any failure or inability to establish such proposed links or fee schedules for interface charges; (E) any written complaint received from other matching services relating to its established or proposed links with SS&C; and (F) if SS&C failed to adhere to any of the obligations relating to interfaces set forth in conditions C.2(6) through C.2(13) and C.2(16) above, its explanation for such failure. The Commission shall treat information submitted in accordance with this condition as confidential, non-public information, subject to the provisions of applicable law. If any other matching service seeks to link with SS&C more than five years after issuance of an exemptive order issued by the Commission with respect to SS&C's matching service, SS&C shall notify the Commission of the other matching service's request to link with SS&C within ten days of receiving such request. In addition, SS&C shall provide reports to the Commission in accordance with this paragraph commencing six months after the initial request for linkage is made until one year after SS&C and the other matching service begin operating their interface. The Commission reserves the right to request reports from SS&C at any time. SS&C shall provide the Commission with such updated reports within thirty days of the Commission's request.

(18) SS&C shall also publish or make available upon request to any end-user representative the necessary specifications, protocols, and architecture of any interface created by SS&C for any end-user representative.

V. Statutory Standards

A. Statutory Process for Registering or Exempting Clearing Agencies

Section 17A(b)(1) of the Exchange Act requires all clearing agencies to register with the Commission before performing any of the functions of a clearing agency.[29] However, Section 17A(b)(1) also states that, upon its own motion or upon a clearing agency's application, the Commission may conditionally or unconditionally exempt said clearing agency from any provisions of Section 17A or the rules or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.

In the Matching Release, the Commission stated that an entity that limited its clearing agency functions to providing matching services might not have to be subject to the full range of clearing agency regulation. The Matching Release stated that the Commission anticipated that an entity seeking an exemption from clearing agency registration for matching would be required to: (1) Provide the Commission with information on its matching services and notice of material changes to its matching services; (2) establish an electronic link to a registered clearing agency that provides for the settlement of its matched trades; (3) allow the Commission to inspect its facilities and records; and (4) make periodic disclosures to the Commission regarding its operations.

In 2001, the Commission approved an application by Omgeo, then a joint venture between DTCC and Thomson Financial, for an exemption from registration as a clearing agency to provide matching services.[30] Omgeo's exemption from clearing agency registration was subject to conditions that were substantially similar to the conditions set forth in Part IV.C above.

B. SS&C's Compliance With Statutory Standards

SS&C's matching service would be the only clearing agency function that it would perform under an exemptive order. SS&C believes that the undertakings it has proposed as a condition of obtaining an exemption from clearing agency registration are consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act.

SS&C represents in its Form CA–1 that it will comply with all of the conditions described in Part IV.C above. Preliminarily, the Commission does not believe, however, that SS&C, in the absence of performing the functions of a clearing agency other than the matching service described here, raises

[29] *See* 15 U.S.C. 78q–1(b) and 17 CFR 240.17Ab2–1.

[30] *See supra* note 10.

the same concerns as an entity that performs a wider range of clearing agency functions. For example, SS&C would not be operating as a self-regulatory organization with the powers to enforce its rules against its members. Accordingly, the Commission preliminarily believes it may not be necessary to require SS&C to satisfy all of the standards for registrants under Section 17A of the Exchange Act because the proposed conditions should establish a sufficiently robust regulatory framework. Further, the Commission preliminarily believes that granting SS&C an exemption from registration as a clearing agency would be consistent with the Commission's past practice, and that additional matching service providers should promote innovation and reduce costs for investors.

In evaluating SS&C's application, the Commission intends to consider whether SS&C is so organized and has the capacity to be able to facilitate prompt and accurate matching services. Subject to the specific operational, interoperability and access conditions to which it has agreed, the Commission preliminarily believes this to be the case. Because the service is flexible in handling part or all of the trade matching cycle, SS&C states that its proposed service ''will allow easy interfacing with other matching utilities and therefore offer market participants a greater choice in selecting their matching provider.'' SS&C also states that the proposed matching service will provide improved and automated verification which eliminates obstacles to settlement as well as losses created by input and data errors, and further states that its proposed matching service will strengthen industry-wide business continuity efforts in the institutional trading space.[31] SS&C believes that market participants seek flexibility and choice in selecting their matching provider and the resulting improvements to reliability and stability in the post-trade space would flow from its service offering.

The Commission requests comment on whether the conditions are sufficient to promote the purposes of Section 17A of the Exchange Act and to allow the Commission to adequately monitor the effects of SS&C's proposed activities on the national system for the clearance and settlement of securities transactions. In addition, the Commission invites commenters to address whether granting SS&C an exemption from clearing agency registration would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 17A of the Exchange Act.

[31] *See* Form CA–1 at p. 129 (Exhibit S).

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act. To the extent possible, commenters are requested to provide empirical data and other factual support for their views. In addition, the Commission seeks comment generally on the following issues:

1. In light of the passage of time since the adoption of the Omgeo Exemptive Order, developments in technology and enhancements in market practices, are the proposed conditions to the exemptive order appropriate? Specifically, are all of the conditions designed to facilitate interoperability necessary? Could the Commission continue to promote the purposes of Section 17A of the Exchange Act by additional modification or elimination of some or all of the conditions? If so, which conditions should be modified or eliminated?

2. What, if any, effect will moving from a single provider to two or more providers have on the efficiency of the trade settlement process?

3. What, if any, impact will the introduction of a second provider have on pricing, quality of service, and innovation?

4. Will the introduction of one or more additional providers increase or reduce risk in the marketplace?

5. Does SS&C's application for exemption from registration help achieve the underlying policy objectives of the Exchange Act? Why or why not? In particular, please address whether granting an exemption from registration does or does not further the goals of promoting investor protection and the integrity of the securities markets.

6. Are the proposed conditions to the exemptive order sufficient to promote the purposes of Section 17A of the Exchange Act and to allow the Commission to adequately monitor the effects of SS&C's proposed activities on the national system for the clearance and settlement of securities transactions? Why or why not?

7. Would the links and interfaces with other matching services as described in SS&C's application have a positive or negative effect on other matching services that are registered with the Commission or that receive from the Commission an exemption from clearing agency registration? Why or why not? Should the proposed condition to develop an interface with another matching service provider be made mandatory, rather than only upon request from another provider?

8. Would the links and interfaces with other matching services as described in SS&C's application have a positive or negative effect on end-user clients of all matching services, regardless of which matching service completes trade matching prior to settlement? Why or why not?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 600–34 on the subject line; or

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 600–34.

To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the application that are filed with the Commission, and all written communications relating to the application between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m.

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 600–34 and should be submitted on or before May 28, 2015.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[32]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09841 Filed 4–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74793; File No. 265–29]

Equity Market Structure Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Meeting.

SUMMARY: The Securities and Exchange Commission Equity Market Structure Advisory Committee is providing notice that it will hold a public meeting on Wednesday, May 13, 2015, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC The meeting will begin at 9:30 a.m. (EDT) and will be open to the public, except for a period of approximately 90 minutes when the Committee will meet in an administrative work session during lunch. The public portions of the meeting will be webcast on the Commission's Web site at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The agenda for the meeting was announced on April 17, 2015 and will focus on Rule 611 of SEC Regulation NMS.

DATES: The public meeting will be held on Wednesday, May 13, 2015. Written statements should be received on or before May 11, 2015.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F Street NE., Washington, DC. Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov*. Please include File Number 265–29 on the subject line; or

Paper Statements

- Send paper statements to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–29. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's Internet Web site at (*http://www.sec.gov/comments/265–29/265–29.shtml*).

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Arisa Tinaves Kettig, Special Counsel, at (202) 551–5676, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Stephen Luparello, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: April 23, 2015.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2015–09792 Filed 4–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74784; File No. SR–NASDAQ–2015–034]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NASDAQ Market Center Participant Registration and Sponsored Access

April 22, 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 20, 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 NASDAQ. 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 proposes to amend Rule 4611, entitled ''Nasdaq Market Center Participant Registration'' and adopt a new Rule 4615, entitled ''Sponsored Participants.''

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 4611, entitled ''Nasdaq Market Center Participant Registration'' to relocate 4611(d), pertaining to Sponsored Access, to a new Rule 4615, entitled ''Sponsored Participants,'' and adopt rule text similar to other exchanges.[3] The Exchange does not believe that this proposed rule change will impact market participants currently accessing the System pursuant to Rule 4611.

On January 13, 2010, the Commission approved the Exchange's current rule.[4]

[32] 17 CFR 200.30–3(a)(16).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The proposed rule text is similar to NASDAQ OMX PHLX LLC (''Phlx'') Rule 1094, the International Securities Exchange LLC (''ISE'') Rule 706, the Chicago Board Options Exchange Incorporated (''CBOE'') Rule 6.20A and NYSE ARCA, Inc. (''NYSE Arca'') Rule 7.29.

[4] Securities Exchange Act Release No. 61345 (January 13, 2010), 75 FR 3263 (January 20, 2010)

Continued

On November 3, 2010, the Commission adopted Rule 15c3–5 which governs risk management controls by broker-dealers with market access.[5] At this time, the Exchange proposes to modify its current rule to conform the rule text to that of other exchanges. Specifically, this proposed rule change would conform rule text related to Sponsored Access by eliminating provisions already covered by 15c3–5. The current rule applies to members conducting either an equities or an options business.

A Sponsored Participant is an entity with authorized electronic access to the Exchange for the entry and execution of orders. A Sponsored Participant trades under a Sponsoring Member's execution and clearing identity pursuant to a sponsorship arrangement. The proposed rule continues to require the Sponsoring Member to take responsibility for the Sponsored Participant's activity on the Exchange.

Today, Nasdaq Rule 4611 provides that members that enter into an arrangement with another person or entity to provide that person with access to Nasdaq or otherwise allow such person to route its orders to Nasdaq using the member's market participant identifier, to provide such access are responsible for all trading conducted pursuant to that arrangement to the same extent as trading directly conducted by the member for customers. Consequently, the member is responsible for implementing policies and procedures for supervising and monitoring trading effected pursuant to the arrangement to ensure that it is in compliance with all applicable federal securities laws and rules and Exchange rules. A Sponsoring Member is required to execute and maintain agreements with each Sponsored Participants and commit to various Regulatory requirements and provided access to book and records and financial information. Financial limits are imposed on Sponsored Participants. Requirements are specified with respect to permissible technology. Other arrangements with Third Party Providers must also be documented and contain the commitments specified in Rule 4611(d)(3)(B). Rule 4611(d)(4) specified financial controls to monitor and control the Sponsored Access to limit financial exposure. Rule 4611(d)(5) specifies regulatory control to effectively monitor and control compliance with Regulatory Requirements.

The Exchange intends to remove current Rule 4611(d) and adopt a new Rule 4515 with provisions related to Sponsored Access similar to that of other exchanges.[6] The new proposed rule text similarly permits members conducting, either an equity or options business, to permit authorized access to the Exchange by Sponsored Participants provided they enter into a Sponsored Participant Agreement with the Exchange. Similar to current Rule 4611(d), the Sponsored Participant and its Sponsoring Member must enter into and maintain an agreement whereby the Sponsoring Member would continue to be responsible for orders entered into the System by the Sponsored Participant as well as all actions taken by the Sponsored Participant. The Sponsored Member shall continue to be bound to comply with Exchange' governance documents, Bylaws, Rules and procedures. The Sponsored Participant is required to provide a list of individuals authorized to access the Nasdaq Market Center on behalf of the Sponsored Participant and provide training to these individuals. The Sponsored Member must continue to restrict access to unauthorized persons, take reasonable security precautions to prevent unauthorized access, have in place adequate procedures and controls to monitor use and access to the Nasdaq Stock Market and pay fees that are owed. The Sponsoring Member must provide the Exchange with Notice of Consent acknowledging its responsibility for the orders, executions and actions of its Sponsored Participant at issue. The requirements specified with new Rule 4615(d), other than the list of individuals and the Notice of Consent, are currently required today in Rule 4611. The Exchange's new Rule requires a list of individuals and the consent that were previously not required by Rule. The rule text of current Rule 4611(d), pertaining to financial and regulatory controls, is being removed. Members continue to be obligated to adhere to financial and regulatory controls as specified in Rule 15c3–5. New Rule 4615 specifies the obligations of Sponsoring Members and Sponsoring Participants relative to accessing the Nasdaq Market Center. This new rule is consistent with rules of other exchanges.[7] Market participants are required to comply with Rule 15c3–5 in addition to relevant exchange provisions where they are members.

The rule text is the current Rule 4611(d)(3) requires a Sponsoring Member that provides Sponsored Access to execute and maintain agreements with each Sponsored Participant containing the commitments noted in Rule 4611(d)(3)(i) through (v). The proposed rule would require the Sponsored Participant to enter into and maintain customer agreements with one or more Sponsoring Members establishing proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Nasdaq Market Center in accordance with provisions set forth in Rule 4615(b)(ii). In addition, proposed Rule 4615(b)(ii)(D) requires the Sponsored Participant to maintain, keep current and provide to the Sponsoring Member a list of individuals authorized to obtain access to the Nasdaq Market Center on behalf of the Sponsored Participant. This list of authorized persons is not required under the current rules.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by continuing to permit market participants gain access to a marketplace. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.[10] Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of a national securities exchange be designed to not permit unfair

(SR–NASDAQ–2008–104) (''NASDAQ Sponsored Access Approval Order'').

[5] Securities Exchange Act Release No. 63241, 75 FR 69792 (November 15, 2010).

[6] The proposed rule text is similar to NASDAQ OMX PHLX LLC (''Phlx'') Rule 1094, the International Securities Exchange LLC (''ISE'') Rule 706, the Chicago Board Options Exchange Incorporated (''CBOE'') Rule 6.20A and NYSE ARCA, Inc. (''NYSE Arca'') Rule 7.29.

[7] *Id.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(5).

discrimination between customer, issuers, brokers or dealers.[11]

The Commission adopted Rule 15c3–5 under the Act, which, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access.[12] Rule 15c3–5 requires members to have in place certain pre-trade risk controls filters for sponsored orders, prior to those order being sent to the Exchange to ensure that regulatory and financial risk controls. Pursuant to Rule 15c3–5, broker-dealers with market access are obligated to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage financial, regulatory, and other risks of this business activity.

The Exchange believes that the changes proposed herein should continue to offer market participants access to its marketplace. The Exchange believes that proposed Rule 4615 continues to require members to provide requisite information concerning sponsored arrangements, which aids the Exchange's efforts to monitor and regulate Nasdaq's markets and aids the prevention of fraudulent and manipulative practices.

The Exchange believes that the proposed rule change is designed to avoid unfair discrimination among members, as the proposed rule change provides for the Exchange to impose requirements on members in an objective manner. Finally, the proposed rule change will help remove impediments to and promote a free and open market and a national market system because it is consistent with rules in place at other exchanges and imposes similar requirements on its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule for Sponsored Access will continue to treat all members, equity and options, in a uniform fashion. The proposed rule change seeks to provide clear guidelines on the responsibilities of Sponsoring Members that provide Sponsored Access as well as the responsibilities owed by Sponsoring Members, with respect to Sponsored Participants, to the Exchange.

The proposed rule change does not impose any undue burden on competition, rather it seeks to enable market participants to gain access to the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–034 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–034. 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 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–2015–034 and should be submitted on or before May 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09765 Filed 4–27–15; 8:45 am]

BILLING CODE 8011–01–P

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74780; File No. SR–NASDAQ–2015–012]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to the Listing and Trading of the Shares of the WisdomTree Western Unconstrained Bond Fund of the WisdomTree Trust

April 22, 2015.

I. Introduction

On February 18, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares (''Shares'') of the WisdomTree Western Unconstrained Bond Fund (''Fund'') under Nasdaq Rule 5735. The proposed rule change was published for comment in the **Federal Register** on March 11, 2015.[3] On March 18, 2015, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comments on the proposal. This order grants approval of the proposed rule change, as modified by Amendment No. 1 thereto.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by the WisdomTree Trust (''Trust''), which is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission on behalf of the Fund.[5]

WisdomTree Asset Management, Inc. will be the investment adviser (''Adviser'') to the Fund, and Western Asset Management Company will serve as sub-adviser (''Sub-Adviser''). State Street Bank and Trust Company will serve as the administrator, custodian, and transfer agent for the Trust, and ALPS Distributors, Inc. will serve as the distributor.

The Exchange represents that neither the Adviser nor Sub-Adviser is registered as, or is affiliated with, a broker-dealer.[6] The Exchange also represents that the Shares will be subject to Nasdaq Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares, and that for initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act.[7]

The Exchange has made the following representations and statements in describing the Fund and its investment strategy, including, among other things, portfolio holdings and investment restrictions.

A. The Exchange's Description of the Principal Investments of the Fund

According to the Exchange, the Fund seeks to provide a high level of total return consisting of both income and capital appreciation. The Fund intends to achieve its investment objective through direct and indirect investments in ''Debt Instruments,'' which will include: (i) Fixed income securities, such as bonds and notes; [8] and (ii) other debt obligations and certain derivatives and other instruments based on Debt Instruments or currency, each as described below. Under normal market conditions,[9] the Fund intends to invest at least 80% of its net assets in Debt Instruments (but not more than 35% of Fund assets in derivatives that are Debt Instruments).

Specifically, the Fund intends to invest in the following Debt Instruments: (1) Instruments denominated in U.S. dollars or local currencies; (2) securities or other debt obligations issued by corporations or agencies that may receive financial support or backing from local government; (3) securities or other debt obligations issued by supranational organizations, such as the European Investment Bank, International Bank for Reconstructions and Development, the International Finance Corporation, or other regional development banks; (4) ''Government securities,'' as defined in Section 3(a)(42) of the Act (''Government Securities''); (5) securities issued or guaranteed by non-U.S. governments, agencies, and instrumentalities; (6) municipal securities (including taxable and tax-exempt municipal securities), as defined in Section 3(a)(29) of the Act; (7) ''Putable'' bonds (bonds that give the holder the right to sell the bond to the issuer prior to the bond's maturity), when the put date is within a 24 month period; and ''busted'' convertible securities (convertible securities that are trading well below their conversion values minimizing the likelihood that they will ever reach their convertible prices prior to maturity); (8) loan participation notes; [10] (9) zero-coupon

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74448 (Mar. 5, 2015), 80 FR 12832 (''Notice'').

[4] In Amendment No. 1 to the proposed rule change, the Exchange clarified the use of the defined terms ''Debt Instruments'' and ''Money Market Securities,'' and removed certain technical redundancies. Because Amendment No. 1 to the proposed rule change seeks to make certain clarifications and technical corrections, and does not materially affect the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 1 does not require notice and comment.

[5] According to the Exchange, the Trust has filed an amendment to its Registration Statement on Form N–1A for the Fund, dated December 19, 2014, under the Securities Act of 1933 (''Securities Act'') and the Investment Company Act of 1940 (''1940 Act'') (File Nos. 333–132380 and 811–21864). The Exchange also represents that the Trust has obtained an order from the Commission granting certain exemptive relief under the 1940 Act (''Exemptive Order''). In compliance with Nasdaq Rule 5735(b)(5), which applies to Managed Fund Shares based on an international or global portfolio, the Trust's application for exemptive relief under the 1940 Act states that the Fund will comply with the federal securities laws in accepting securities for deposits and satisfying redemptions with redemption securities, including that the securities accepted for deposits and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act.

[6] *See* Nasdaq Rule 5735(g). The Exchange states that, in the event (a) the Adviser or the Sub-Adviser becomes newly affiliated with a broker-dealer or registers as 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, the Sub-Adviser, or any new adviser or sub-adviser, as the case may be, will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate, as applicable, regarding access to information concerning the composition of or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the portfolio.

[7] *See* 17 CFR 240.10A–3.

[8] The Fund may invest in fixed income securities 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. Variable or floating interest rates generally reduce changes in the market price of securities from their original purchase price because, upon readjustment, such rates approximate market rates. Accordingly, as interest rates decrease or increase, the potential for capital appreciation or depreciation is less for variable or floating rate securities than for fixed rate obligations.

[9] The term ''under normal market conditions'' includes, but is 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.

[10] According to the Exchange, the Fund may invest in loan participation notes that have a minimum outstanding principal amount of $200

securities and interest-only securities; (10) debt securities linked to inflation rates of the U.S. and non-U.S. countries; (11) repurchase agreements backed by Government Securities and non-U.S. government securities; [11] (12) bank loans (including senior loans); (13) Money Market Securities; [12] and (14) mortgage-backed securities (including commercial mortgage-backed securities, collateralized mortgage obligations, adjustable rate mortgage back securities, and interest-only mortgage-backed securities, including, in each case, agency mortgage-backed securities, GSE-issued or guaranteed mortgage-backed securities, and privately issued mortgage-backed securities) and asset-backed securities.[13]

The Fund intends to invest in Debt Instruments originating primarily in developed and emerging markets countries.[14] The Fund's exposure to any single corporate issuer generally will be limited to 10% of the Fund's assets, and the Fund's exposure to any single sovereign issuer generally will be limited to 25% of the Fund's assets (excluding exempted securities as defined in Section 3(a)(12) of the Act). In addition, the Fund's exposure to any one country (other than the United States) generally will be limited to 30% of the Fund's assets, though this percentage may change from time to time in response to economic events and changes to the respective credit ratings of the Debt Instruments in such country.

The Fund may invest in Debt Instruments with effective or final maturities of any length. The Fund will seek to keep the average effective duration of its portfolio between –5 and 10 years under normal market conditions. Effective duration is an indication of an investment's interest rate risk or how sensitive an investment or a fund is to changes in interest rates. Generally, a fund or instrument with a longer effective duration is more sensitive to interest rate fluctuations, and, therefore, more volatile, than a similar fund with a shorter effective duration. To potentially protect the Fund against the impact of rising rates, the Adviser or Sub-Adviser may take the duration of the Fund below zero through strategic short positions in instruments such as U.S. Treasury futures (subject to the Fund's limits on investments in derivative instruments as described below). A negative duration suggests that the Fund may benefit from a rise in rates.[15] The Fund's actual portfolio duration may be longer or shorter depending on market conditions.

In addition, the Fund may invest, in the aggregate, up to 35% of its assets in the following derivatives, which are also Debt Instruments (with no more than 20% of the Fund's investments in derivative instruments that are not within the definition of ''Debt Instruments''): (1) Credit-linked notes; [16] (2) listed futures contracts on Debt Instruments; [17] (3) non-deliverable forward currency contracts; [18] (4) currency swaps; [19] (5) interest rate swaps; (6) listed currency options; and (7) listed options on futures contracts on Debt Instruments.

The Fund may invest in combinations of investments that provide similar exposure to local currency debt, such as investment in U.S. dollar denominated bonds combined with forward currency positions or swaps.[20] Forward currency contracts and swap positions can be incorporated with bonds denominated in non-U.S. currencies to hedge bond exposures back into U.S. dollars. Conversely, forward currency contracts and swap positions can be implemented in combination with U.S. dollar denominated bonds to create local currency bond exposures. Additionally, the Fund's use of forward contracts and swaps may be combined with investments in short-term, high quality U.S. Money Market Securities in a manner designed to provide exposure to similar investments in local currency deposits.[21]

million that the Adviser or Sub-Adviser deems to be liquid.

[11] The Fund may enter into repurchase agreements with counterparties that are deemed to present acceptable credit risks, and may enter into reverse repurchase agreements, which involve the sale of securities held by the Fund subject to its agreement to repurchase the securities at an agreed upon date or upon demand and at a price reflecting a market rate of interest.

[12] ''Money Market Securities'' include: Short-term, high quality securities issued or guaranteed by the U.S. government or non-U.S. governments, their agencies and instrumentalities; repurchase agreements backed by U.S. government securities 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. 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.

[13] The Fund may invest up to 20% of its net assets, in the aggregate, in privately issued mortgage-backed securities and privately-issued ABS. Debt Instruments will also include debt securities which are secured with collateral consisting of mortgage-backed securities or asset-backed securities.

[14] The Fund may invest up to 50% of Fund assets in securities issued by issuers that are organized in or maintain their principal place of business in emerging market countries.

[15] Negative duration would occur when the total duration of the Fund's liabilities (*e.g.,* through short positions in U.S. government securities or related futures positions) is less than the total duration of the Fund's assets.

[16] The Fund will invest no more than 25% of its net assets in credit-linked notes.

[17] According to the Exchange, the Adviser has registered with the Commodity Futures Trading Commission as a commodity pool operator under the Commodity Exchange Act with regard to the Fund. The futures contracts in which the Fund may invest will be listed on exchanges in the United States, Brazil, Chile, Germany, Hong Kong, Mexico, Singapore, South Korea, or the United Kingdom. Each of the futures exchange's primary financial markets regulators are signatories to the International Organization of Securities Commissions (''IOSCO'') Multilateral Memorandum of Understanding (''MMOU''), which is a multi-party information sharing arrangement among financial regulators. Both the Commission and the Commodity Futures Trading Commission are signatories to the IOSCO MMOU. In addition, the futures contracts in which the Fund may invest in the United States, Germany, Hong Kong, Singapore, South Korea, or the United Kingdom will be listed on exchanges that are members of the Intermarket Surveillance Group (''ISG''), which includes affiliates of LIFFE Administration and Management, Eurex Frankfurt A.G., the Hong Kong Exchanges & Clearing Ltd., the Korea Exchange, the Singapore Exchange, Ltd., NASDAQ OMX BX, and NASDAQ OMX PHLX LLC. At least 90% of Fund assets that are invested in exchange-traded derivative instruments will be invested in instruments that trade in markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[18] According to the Exchange, the Fund may enter into forward currency contracts in order to ''lock in'' the exchange rate between the currency it will deliver and the currency it will receive for the duration of the contract. The Fund will invest only in currencies, and instruments that provide exposure to such currencies, that have significant foreign exchange turnover and are included in the Bank for International Settlements Triennial Central Bank Survey, December 2013 (''BIS Survey''). The Fund may invest in currencies, and instruments that provide exposure to such currencies, selected from the top 40 currencies (as measured by percentage share of average daily turnover for the applicable month and year) included in the BIS Survey.

[19] *See id.*

[20] 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 Securities that would serve as collateral for the futures contracts and swap agreements.

[21] According to the Exchange, the Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser or the Sub-Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser's or the Sub-Adviser's analysis will evaluate each approved counterparty using various methods of analysis and may consider such factors as the counterparty's liquidity, its reputation, the Adviser's or the Sub-Adviser's past experience with the counterparty, its known disciplinary history, and its share of market participation. 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. The Fund will enter into over-the-counter non-centrally cleared instruments only with financial institutions that

Continued

The Fund will use derivative instruments primarily to hedge interest rate risk and actively manage interest rate exposure and, as described below, to hedge foreign currency risk and actively manage foreign currency exposure. The Fund may also use derivative instruments to enhance returns, as a substitute for, or to gain exposure to, a position in an underlying asset, to reduce transaction costs, to maintain full market exposure (which means to adjust the characteristics of its investments to more closely approximate those of the markets in which it invests), to manage cash flows, or to preserve capital. The Fund's use of derivative instruments will be collateralized by investments in Money Market Securities and other liquid Debt Instruments. All Money Market Securities acquired by the Fund will be rated investment grade,[22] except that the Fund may invest in unrated Money Market Securities that are deemed by the Adviser or Sub-Adviser to be of comparable quality to Money Market Securities rated investment grade.[23]

The Exchange represents that the Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objectives and policies, and will not be used to enhance leverage. The Fund will comply with the regulatory requirements of the Commission to maintain assets as ''cover,'' maintain segregate accounts, and make margin payments when it takes positions in derivative instruments involving obligations to third parties (*i.e.,* instruments other than purchase options). With respect to certain kinds of derivative transactions entered into by the Fund that involve obligations to make future payments to third parties, including, but not limited to, futures and forward contracts, swap contracts, the purchase of securities on a when-issued or delayed-delivery basis, or reverse repurchase agreements, the Fund, in accordance with applicable federal securities laws, rules, and interpretations thereof, will ''set aside'' liquid assets, or engage in other measures to ''cover'' open positions with respect to such transactions.

The Exchange represents that liquidity will be an important factor in the Fund's security selection process.[24] Under normal market conditions, at least 80% of the Fund's net assets that are invested in Debt Instruments will be invested in Debt Instruments that are issued by issuers with outstanding debt of at least $200 million (or the foreign currency equivalent thereof). In addition, while the Fund will be actively-managed and will not be tied to an index, the Exchange represents that the Fund's investment portfolio will meet the criteria for non-actively managed, index-based, fixed income exchange-traded funds (''ETFs'') contained in Nasdaq Rule 5705(a)(4)(A).[25]

B. The Exchange's Description of the Other Investments of the Fund

As noted above, under normal market conditions, no more than 35% of the Fund's investments will be in derivative instruments, with no more than 20% of the Fund's investments in derivative instruments that are not within the definition of ''Debt Instruments.'' The Fund may invest in the following derivative instruments that are not within the definition of ''Debt Instruments'': (1) Listed futures contracts (other than on Debt Instruments);[26] (2) total return swaps; (3) credit default swaps; and (4) listed options on futures contracts (other than on Debt Instruments).[27]

In addition, the Fund may invest up to 20% of its net assets in one or more of the following instruments: (a) Securities of other investment companies (including exchange-traded products (''ETPs''), such as other ETFs;[28] (b) debt instruments that do not fall within the meaning of ''Debt Instruments'' above, including bank loans, banker's acceptances, bank time deposits, commercial paper, and certificates of deposit issued against funds deposited in a bank or savings

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 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.

[22] The term ''investment grade,'' for purposes of Money Market Securities, means securities rated A1 or A2 by one or more Nationally Recognized Statistical Rating Organizations (''NRSROs'').

[23] The determination that an unrated security is of comparable quality to a rated security (including, as applicable, an investment grade security) by the Adviser or Sub-Adviser will be based on, among other factors, a comparison between the unrated security and securities issued by similarly situated companies to determine where in the spectrum of credit quality the unrated security would fall. The Adviser or Sub-Adviser would also perform an analysis of the unrated security and its issuer similar, to the extent possible, to that performed by a NRSRO in rating similar securities and issuers.

[24] In reaching liquidity decisions, the Adviser or Sub-Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[25] *See* Exchange Rule 5705(a)(4)(A). The Fund will meet the following requirements of Rule 5705(a)(4)(A): (i) The index or portfolio must consist of fixed income securities (which are generally defined to include Debt Instruments) (Rule 5705(a)(4)(A)(i)); (ii) components that in the aggregate account for at least 75% of the weight of the index or portfolio must each have a minimum original principal amount outstanding of $100 million or more (Rule 5705(a)(4)(A)(ii)); (iii) a component may be a convertible security, however, once the convertible security converts to an underlying equity security, the component is removed from the index or portfolio (Rule 5705(a)(4)(A)(iii)); (iv) no component fixed-income security (excluding Treasury Securities) will represent more than 30% of the weight of the index or portfolio, and the five highest weighted component fixed-income securities do not in the aggregate account for more than 65% of the weight of the index or portfolio (Rule 5705(a)(4)(A)(iv)); (v) an underlying index or portfolio (excluding exempted securities) must include securities from a minimum of 13 non-affiliated issuers (Rule 5705(a)(4)(A)(v)); and (vi) component securities that in the aggregate account for at least 90% of the weight of the index or portfolio must be from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more (Rule 5705(a)(4)(A)(vi)(c)).

[26] *See supra* note 16.

[27] *See id.*

[28] The Exchange states that ETPs in which the Fund may invest include, without limitation: Portfolio Depository Receipts and Index Fund Shares (as described in Nasdaq Rule 5705); Securities Linked to the Performance of Indexes and Commodities (as described in Nasdaq Rule 5710); Index-Linked Exchangeable Notes; Equity Gold Shares; Trust Certificates; Commodity-Based Trust Shares; Currency Trust Shares; Commodity Index Trust Shares; Commodity Futures Trust Shares; Partnership Units; Trust Units; Managed Trust Securities; and Currency Warrants (as described in Nasdaq Rule 5711); Alpha-Index Linked Securities (as described in Nasdaq Rule 5712); Equity-Linked Debt Securities (as described in Nasdaq Rule 5715); Trust Issued Receipts (as described in Nasdaq Rule 5720); Index Warrants (as described in Nasdaq Rule 5725); Securities Not Otherwise Specified (as described in Nasdaq Rule 5730); Managed Fund Shares (as described in Nasdaq Rule 5735); and closed-end funds. According to the Exchange, the ETPs in which the Fund may invest all will be listed and traded on U.S. registered exchanges. The Fund will invest in the securities of registered investment company ETPs 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 primarily be indexed-based ETFs that hold substantially all of their assets in securities representing a specific index. While the Fund may invest in ETPs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X, –2X) ETPs.

and loan association; (c) U.S. and non-U.S. equity securities; [29] and (d) cash.[30]

In addition, in response to adverse market, economic, political, or other conditions the Fund reserves the right to invest in U.S. government securities, Money Market Securities, and cash, without limitation, as determined by the Adviser or Sub-Adviser.

C. The Exchange's Description of Investment Restrictions of the Fund

The Fund will invest only in corporate bonds that the Adviser or Sub-Adviser deems to be sufficiently liquid. The Fund will only buy performing debt securities and not distressed debt. Generally, a corporate bond will be required to have $150 million or more par amount outstanding and significant par value traded to be considered as an eligible investment. Economic and other conditions may, from time to time, lead to a decrease in the average par amount outstanding of bond issuances. Therefore, although the Fund does not intend to do so, it may invest up to 5% of its net assets in corporate bonds with less than $150 million par amount outstanding if (1) the Adviser or Sub-Adviser deems such security to be sufficiently liquid based on its analysis of the market for such security (based on, for example, broker-dealer quotations or its analysis of the trading history of the security or the trading history of other securities issued by the issuer), (2) such investment is deemed by the Adviser or Sub-Adviser to be in the best interest of the Fund, and (3) such investment is deemed consistent with the Fund's goal of providing exposure to a broad range of countries and issuers.

The Fund will not concentrate 25% or more of the value of its total assets (taken at market value at the time of each investment) in any one industry, as that term is used in the 1940 Act (except that this restriction does not apply to obligations issued by the U.S. government or its respective agencies and instrumentalities or government-sponsored enterprises). The Fund intends to qualify each year as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended. In addition to satisfying the RIC diversification requirements, no portfolio security held by the Fund (other than U.S. government securities) will represent more than 30% of the weight of the Fund's portfolio and the five highest weighted portfolio securities of the Fund (other than U.S. government securities) will not, in the aggregate, account for more than 65% of the weight of the Fund's portfolio. For these purposes, the Fund may treat repurchase agreements collateralized by U.S. government securities as U.S. government securities.

The Fund may hold up to an aggregate of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

Additional information regarding the Trust, Fund, and Shares, including investment strategies and restrictions, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes, calculation of net asset value per share (''NAV''), availability of information, trading rules and halts, and surveillance procedures, among other things, can be found in the Notice, Registration Statement, and Exemptive Order, as applicable.[31]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [32] and the rules and regulations thereunder applicable to a national securities exchange.[33] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[34] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 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,[35] which sets forth the finding of Congress 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 will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares and any underlying ETPs.[36] In addition, the Intraday Indicative Value (as defined in Nasdaq Rule 5735(c)(3)), which will be based upon the current value of the components of the Disclosed Portfolio (as defined in Nasdaq Rule 5735(c)(2)), will be available on the NASDAQ OMX Information LLC proprietary index data service,[37] and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session.[38] During hours when the markets for local debt and other assets in the Fund's portfolio are closed, the Intraday Indicative Value will be updated at least every 15 seconds during the Regular Market Session to reflect currency exchange fluctuations.

On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Trust will disclose on its Web site (*www.wisdomtree.com*) the identities and quantities of the portfolio of securities and other assets (''Disclosed Portfolio,'' as defined in Nasdaq Rule 5732(c)(2)) held by the

[29] The equity securities in which the Fund may invest will be limited to securities that trade on markets that are members of the ISG. The Fund may invest in non-U.S. equity securities by means of American Depository Receipts, European Depository Receipts, and Global Depository Receipts.

[30] According to the Exchange, the Fund may engage in foreign currency transactions, and may invest directly in foreign currencies in the form of bank and financial institution deposits and certificates of deposit denominated in a specified non-U.S. currency.

[31] *See* Notice, *supra* note 3; *see also* Registration Statement and Exemptive Order, *supra* note 5 and accompanying text.

[32] 15 U.S.C. 78(f).

[33] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[34] 15 U.S.C. 78f(b)(5).

[35] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[36] *See* Notice, *supra* note 3, 80 FR at 12839.

[37] According to the Exchange, the NASDAQ OMX Global Index Data Service is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and ETFs. *See id.*

[38] *See id.*

Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[39] The NAV of the Fund will normally be determined as of the close of the regular trading session on the Exchange (ordinarily 4:00 p.m. ET) on each business day.[40] Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services.[41] The previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.[42] Pricing information for ETFs and exchange-traded derivatives and other instruments will be available from the exchanges on which they trade and from major market vendors. Pricing information for Debt Instruments, forward currency contracts, spot currencies, and debt instruments that do not fall within the meaning of ''Debt Instruments'' as defined above will be available from major broker-dealer firms, major market data vendors, or Pricing Services, as applicable. Money market funds are typically priced once each business day, and their prices will be available through the applicable fund's Web site or from major market vendors.[43] Intra-day, executable price quotations on Debt Instruments as well as derivative instruments are available from major broker-dealer firms.[44] Intra-day price information is available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by Authorized Participants and other investors.[45] In addition, State Street Bank and Trust Company, through the National Securities Clearing Corporation, will make available on each business day, immediately prior to the opening of business on the Exchange's Core Trading Session (currently 9:30 a.m. Eastern time), the list of names and the required number or amount of each security and/or the amount of cash, to be included in the current ''Fund Deposit'' (based on information at the end of the previous business day) for the Fund.[46] The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.[47]

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 Commission notes that 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 and the Disclosed Portfolio will be made available to all market participants at the same time.[48] Further, trading in the Shares will be subject to Nasdaq 5735(d)(2)(D), which sets forth circumstances under which trading in the Shares may be halted.[49] The Exchange may also halt trading in the Shares if trading is not occurring in the securities or the financial instruments constituting the Disclosed Portfolio or if other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[50] Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[51] The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees.[52] The Exchange also states that neither the Adviser nor Sub-Adviser is registered as, or affiliated with, a broker-dealer.[53]

[39] On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding); the identity of the security 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; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. *See id.* The Web site and information will be publicly available at no charge. *See id.*

[40] *See id.,* 80 FR at 12838. The Exchange notes that, for purposes of calculating the Fund's NAV per Share, the Fund's investment will generally be valued using market valuations. In the event that current market valuations are not readily available or such valuations do not reflect current market value, the Trust's procedures require the Pricing Committee to determine an asset's fair value if a market price is not readily available in accordance with the 1940 Act. Bank deposits held in U.S. dollars will be valued at their actual dollar amount; bank deposits held in foreign currencies will be converted into U.S. dollars and valued at their actual amounts in U.S. dollars. According to the Adviser, Debt Instruments (as well as debt instruments not within the meaning of ''Debt Instruments''), will generally be valued using prices received from independent Pricing Services as of the announced closing time for trading in fixed-income instruments in the respective market or exchange. Exchange traded assets (including without limitation, equity securities, listed futures contracts, listed currency options, listed options on futures, and ETPs) will be valued at the last reported sale price or the official closing price on that exchange where the security or other instrument is primarily traded on the day that the valuation is made. Shares of money market funds will be valued at their net asset values as reported on the applicable fund's Web site or to major market vendors. With respect to derivative instruments, if, however, neither the last sales price nor the official closing price is available, each of these derivative instruments will be valued at either the last reported sale price or official closing price as of the close of regular trading of the principal market on which the instrument is listed consistent with the primary benchmark. Spot currencies and non-exchange–traded derivatives, including non-deliverable forward currency contracts, currency swaps, interest rate swaps, total return swaps, credit default swaps, and credit-linked notes, will normally be valued on the basis of quotes obtained from brokers and dealers or Pricing Services using data reflecting the earlier closing of the principal markets for those assets. International Data Corporation is expected to be the primary price source for the Fund's assets. The Fund may also rely, however, on other recognized third-party pricing sources, including, without limitation, Bloomberg, WM Reuters, JP Morgan, Markit, and JJ Kenney, to provide prices for certain asset categories, including, among others, currency swaps, forward currency contracts, spot currencies, and corporate securities, in each case as determined, from time to time, by the Fund's board of trustees. Each of these pricing sources is a ''Pricing Service'' for purposes of this Fund.

[41] *See id.,* 80 FR at 12839.

[42] *See id.*

[43] *See id.,* 80 FR at 12840.

[44] *See id.,* 80 FR at 12842.

[45] *See id.*

[46] *See id.,* 80 FR at 12837.

[47] *See id.,* 80 FR at 12842.

[48] *See id.*

[49] *See id.,* 80 FR at 12840.

[50] *See id. See also* Nasdaq Rule 5735(d)(2)(C) (providing additional considerations for the suspension of trading in or removal from listing of Managed Fund Shares on the Exchange). With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. *See id.*

[51] *See* Nasdaq Rule 5735(d)(2)(B)(ii).

[52] *See* Notice, *supra* note 3, 80 FR at 12840.

[53] *See supra* note 6 and accompanying text. The Exchange further represents 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, the 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 applicable federal securities laws as defined in Rule 204A–1(e)(4). Accordingly, procedures designed to prevent the communication and misuse of nonpublic 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

The Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the U.S and non-U.S. equity securities, ETPs, listed options, and listed futures contracts and other instruments held by the Fund with other markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and the U.S. and non-U.S. equity securities, ETPs, listed options, listed futures contracts, and other instruments held by the Fund from such markets and other entities. FINRA, on behalf of the Exchange, also is able to obtain trading information regarding certain Debt Instruments held by the Fund reported to FINRA's Trade Reporting and Compliance Engine.[54] In addition, the Exchange may obtain information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[55]

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 will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Prior to the commencement of trading of the Shares, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) Nasdaq Rule 2310, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (c) how and by whom information regarding the Intraday Indicative Value and Disclosed Portfolio are disseminated; (d) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(4) Trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[56] 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 applicable federal securities laws.

(5) For initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act.[57]

(6) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.

(7) Under normal circumstances, the Fund will invest at least 80% of its net assets in Debt Instruments, and no more than 35% of Fund assets in derivatives that are Debt Instruments. In addition, the Fund will invest no more than 20% of its net assets in derivative instruments that are not Debt Instruments.

(8) The Fund may hold up to an aggregate of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser or Sub-Adviser. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets.

(9) While the Fund may invest in ETPs, the Fund will not invest in leveraged or inverse leveraged ETPs.

(10) The Fund may invest in loan participation notes that have a minimum outstanding principal amount of $200 million that the Adviser or Sub-Adviser deems to be liquid. In addition, the Fund will invest no more than 25% of its net assets in credit-linked notes.

(11) At least 90% of Fund assets that are invested in exchange-traded derivative instruments will be invested in instruments that trade in markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the equity securities in which the Fund may invest will be limited to securities that trade on markets that are members of the ISG.

(12) The Fund will invest only in currencies, and instruments that provide exposure to such currencies, that have significant foreign exchange turnover and are included in the BIS Survey. The Fund may invest in currencies, and instruments that provide exposure to such currencies, selected from the top 40 currencies (as measured by percentage share of average daily turnover for the applicable month and year) included in the BIS Survey.

(13) The Adviser or the Sub-Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser's or the Sub-Adviser's analysis will evaluate each approved counterparty using various methods of analysis and may consider such factors as the counterparty's liquidity, its reputation, the Adviser's or the Sub-Adviser's past experience with the counterparty, its known disciplinary history, and its share of market participation. 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.

(14) Under normal market conditions, at least 80% of the Fund's net assets that are invested in Debt Instruments will be invested in Debt Instruments that are issued by issuers with outstanding debt of at least $200 million (or the foreign currency equivalent thereof). In addition, while the Fund will be actively-managed and will not be tied to an index, the Exchange represents that the Fund's investment portfolio will meet the criteria for non-actively managed, index-based, fixed income ETFs contained in Nasdaq Rule 5705(a)(4)(A).

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.

[54] *See* Notice, *supra* note 3, 80 FR at 12840.

[55] For a list of the current members of ISG, *see www.isgportal.org.*

[56] According to the Exchange, FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. *See* Notice, *supra* note 3, 80 FR at 12840.

[57] 17 CFR 240.10A–3.

(15) The Fund may invest up to 20% of its net assets, in the aggregate, in privately issued mortgage backed securities and privately-issued ABSs.

(16) The Exchange represents that the Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objectives and policies, and will not be used to enhance leverage.

The Commission notes that the Fund and the Shares must comply with the requirements of Nasdaq Rule 5735 to be initially and continuously listed and traded on the Exchange. This approval order is based on all of the Exchange's representations and description of the Fund, including those set forth above and in the Notice.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[58] that the proposed rule change (SR–NASDAQ–2015–012), as modified by Amendment No. 1 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Brent J. Fields,

Secretary.

[FR Doc. 2015–09763 Filed 4–27–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14282 and # 14283]

Florida Disaster # FL–00104

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of FLORIDA dated 04/22/2015.

Incident: Pecan Park Flea and Farmers' Market Fire.

Incident Period: 04/06/2015.

Effective Date: 04/22/2015.

Physical Loan Application Deadline Date: 06/22/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 01/22/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Duval.

Contiguous Counties:

Florida: Baker, Clay, Nassau, Saint Johns.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14282 5 and for economic injury is 14283 0.

The States which received an EIDL Declaration # are Florida.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: April 22, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–09817 Filed 4–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14284 and #14285]

Georgia Disaster #GA–00063

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of georgia (FEMA–4215–DR), dated 04/20/2015.

Incident: Severe Winter Storm.

incident period: 02/15/2015 through 02/17/2015.

Effective Date: 04/20/2015.

Physical Loan Application Deadline Date: 06/19/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 01/20/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/20/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Banks, Barrow, Dawson, Elbert, Forsyth, Franklin, Habersham, Hall, Jackson, Lumpkin, Madison, Oglethorpe, Pickens, Stephens, White.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14284B and for economic injury is 14285B

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–09819 Filed 4–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #4261 and #14262]

Tennessee Disaster Number TN–00087

AGENCY: U.S. Small Business Administration.

[58] 15 U.S.C. 78s(b)(2).

[59] 17 CFR 200.30–3(a)(12).

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–4211–DR), dated 04/02/2015.

Incident: Severe Winter Storm and Flooding.

Incident Period: 02/15/2015 through 02/22/2015.

Effective Date: 04/17/2015.

Physical Loan Application Deadline Date: 06/01/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 01/04/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of TENNESSEE, dated 04/02/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Hardin.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–09814 Filed 4–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14257 and #14258]

West Virginia Disaster Number WV–00035

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of West Virginia (FEMA–4210–DR), dated 03/31/2015.

Incident: Severe Winter Storm, Flooding, Landslides, and Mudslides.

Incident Period: 03/03/2015 through 03/06/2015.

Effective Date: 04/17/2015.

Physical Loan Application Deadline Date: 06/01/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 12/31/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of West Virginia, dated 3/31/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Fayette, Mercer, Tucker.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–09818 Filed 4–27–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9113]

In the Matter of the Designation of Nikolaos Maziotis. Also Known as Nikos Maziotis as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of E.O. 13224 of September 23, 2001, as amended by E.O. 13268 of July 2, 2002, and E.O. 13284 of January 23, 2003, I hereby determine that the individual known as Nikolaos Maziotis, also known as Nikos Maziotis, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of E.O. 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: April 20, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–09914 Filed 4–27–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 9102]

Culturally Significant Object Imported for Exhibition Determinations: ''Frederick Leighton's Flaming June''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''Frederick Leighton's *Flaming June,*'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Frick Collection, New York, New York, from on or about June 9, 2015, until on or about September 6, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a description of the imported object, contact the Office of the Legal Adviser, U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505, telephone (202–632–6471), or email at *section2459@state.gov*.

Dated: April 7, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–09933 Filed 4–27–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9112]

In the Matter of the Designation of Christodoulos Xiros as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of E.O. 13224 of September 23, 2001, as amended by E.O. 13268 of July 2, 2002, and E.O. 13284 of January 23, 2003, I hereby determine that the individual known as Christodoulos Xiros committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of E.O. 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: April 20, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–09926 Filed 4–27–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2015–0006]

Agency Information Collection Activities: Request for the Update of an Information Collection (Revision)

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 28, 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.

FHWA estimates that the State DOTs will use 11,700 hours for completing, revising, updating, and reviewing the manuals. Approximately 52 State entities will update manuals at 225 hours each. Preparing the updates for 52 manuals × 225 hours = 11,700 burden hours.

FHWA estimates that there are two additional DOT modes that have 50 of their large grantees that have Right-of-Way manuals that will need to be updated. It is estimated that both modes together will use a total of 22,500 hours for completing, revising, updating, and reviewing the manuals. Approximately 50 grantees × 2 modes = 100 grantees will update manuals at 225 hours each. 100 manuals × 225 hours = 22,500 burden hours.

FHWA estimates that there are 12 additional federal agencies that will need their grantees to revise their guidance. These agencies have a disparate level of activity and program sizes ranging from large to very small. It is estimated that these grantees will use a total of 2,700 hours for completing, revising, updating, and reviewing their guidance. Approximately 12 grantees will update guidance at 225 hours each. 12 manuals × 225 hours = 2,700 burden hours.

It is estimated a total of 36,900 burden hours will be required for completing, revising, updating, and reviewing manuals/guidance on a one-time basis.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued On: April 23, 2015.

Michael Howell,

Information Collection Officer.

[FR Doc. 2015–09854 Filed 4–27–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2015–0007]

Agency Information Collection Activities: Request for Comments for Periodic Information Collection

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on February 19, 2015. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 28, 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–2015–0007.

FOR FURTHER INFORMATION CONTACT: Adella Santos, 202–366–5021, NHTS Program Manager, Federal Highway Administration, Office of Policy, 1200 New Jersey Avenue SE., Room E83–426, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: 2015 National Household Travel Survey (NHTS).

Type of Request: New request for periodic information collection requirement.

Background: Title 23, United States Code, section 502 authorizes the USDOT to carry out advanced research and transportation research to measure the performance of the surface transportation systems in the US, including the efficiency, energy use, air quality, congestion, and safety of the highway and intermodal transportation systems. The USDOT is charged with the overall responsibility to obtain current information on national patterns of travel, which establishes a data base to better understand travel behavior, evaluate the use of transportation facilities, and gauge the impact of the USDOT's policies and programs.

The NHTS is the USDOT's authoritative nationally representative data source for daily passenger travel. This inventory of travel behavior reflects travel mode (*e.g.,* private vehicles, public transportation, walk and bike) and trip purpose (*e.g.,* travel to work, school, recreation, personal/family trips) by U.S. household residents. Survey results are used by federal and state agencies to monitor the performance and adequacy of current facilities and infrastructure, and to plan for future needs.

The collection and analysis of national transportation data has been of critical importance for nearly half a century. Previous surveys were conducted in 1969, 1977, 1983, 1990, 1995, 2001, and 2009. The current survey will be the eighth in this series, and allow researchers, planners, and officials at the state and federal levels to monitor travel trends.

Data from the NHTS are widely used to support research needs within the USDOT, and State and local agencies, in addition to responding to queries from Congress, the research community and the media on important issues. Current and recent topics of interest include:

- Travel to work patterns by transportation mode for infrastructure improvements and congestion reduction,
- Access to public transit, paratransit, and rail services by various demographic groups,
- Measures of travel by mode to establish exposure rates for risk analyses,
- Support for Federal, State, and local planning activities and policy evaluation,
- Active transportation by walk and bike to establish the relationship to public health issues,
- Vehicle usage for energy consumption analysis,
- Traffic behavior of specific demographic group such as Millennials and the aging population.

Within the USDOT, the Federal Highway Administration (FHWA) holds responsibility for technical and funding coordination. The National Highway Traffic Safety Administration (NHTSA), Federal Transit Administration (FTA), and the Bureau of Transportation Statistics (BTS) are also primary data users, and have historically participated in project planning and financial support.

Proposed Data Acquisition Methodology

NHTS data are collected from a stratified random sample of households that represent a broad range of geographic and demographic characteristics. Letters and a brief household survey are sent to selected households requesting some basic demographic and contact information and inviting them to participate in the survey. The recruitment surveys are returned in business reply envelopes to the survey contractor.

Participating households are subsequently sent a package containing travel logs for each member of the household age 5 and older. The household is assigned to record their travel on a specific day, and asked to note every trip taken during a 24 hour period. Based upon their preferences, the travel information is then reported either through the use of a survey Web site, or through a telephone interview.

Reminders are sent periodically to households who do not respond within the expected timeframe. Monetary incentives are included in each recruitment package, and are provided in increasing amounts for all households that complete the survey.

The survey will collect data during an entire 12 month period so that all 365 days of the year including weekends and holidays are accounted for. A total of 26,000 households will comprise the national sample for the 2015 survey. As described below, changes in the establishment of the sampling frame, the promotion of participation, and in data retrieval techniques are planned, as compared to previous surveys, to improve statistical precision, enhance response rates, and increase survey efficiency.

Issues Related to Sampling. In previous years, the household sample was identified using random digit dialing techniques. Today, only 59 percent [1] have a landline telephone in the home (down from 75% during the 2009 NHTS) while over 80 percent of U.S. households have access to the

[1] Blumberg, S.J., and Luke, J.V. (2014). *Wireless substitution: Early release of estimates from the National Health Interview Survey, July–December 2013.* National Center for Health Statistics. Available from *http://www.cdc.gov/nchs/nhis.htm.*

Internet.[2] This survey will leverage this shift in technology, in particular the move away from home telephone usage, to structure a research design that uses web, mail, and telephone data collection modes.

The revised methodological approach starts with a national address-based sample (ABS), a change from the telephone-based random digit dialing (RDD) sample design used in recent NHTS efforts, while also incorporating core data elements that have been part of the NHTS since 1969.

The survey sample will be drawn from the ABS frame maintained by Marketing Systems Group (MSG). It originates from the U.S. Postal Service (USPS) Computerized Delivery Sequence file (CDS), and is updated on a monthly basis. MSG also provides the ability to match some auxiliary variables (*e.g.,* race/ethnicity, education, household income) to a set of sampled addresses. MSG geocodes their entire ABS frame, so block-, block group-, and tract-level characteristics from the Decennial Census and the American Community Survey (ACS) may be appended to addresses and used for sampling and/or data collection purposes.

Sample Size. A sample size of 26,000 households will be included in the national sample. Assuming response rates of 30 percent for the recruitment stage, 65 percent for the retrieval stage, and a residency rate of 89 percent for sampled addresses, a total of 149,813 sampled addresses will be required to attain the targeted 26,000 responding households.

Stratification. This survey produces state-level estimates as well as national estimates. Assuming equal costs and population variances across states, the most efficient design for national estimates is one in which the sample is allocated to the states in proportion to the size of the civilian, noninstitutionalized population in each state, and the most efficient design for state-level estimates is one in which equal sample sizes are allocated to all states. Various allocation options for the national sample are being considered in order to arrive at a final allocation for the NHTS national sample.

With the ABS approach, identifying targeted areas (*e.g.,* states) that correspond to those for which estimates can be developed from the NHTS data are straightforward. Addresses are definitively linked to states, so state-level estimation is routine. Geocoding and GIS processing can be used to link addresses to counties in a highly reliable fashion. There can be some ambiguity for addresses that are P.O. boxes or are listed as rural route addresses. These can be handled in a routine manner with a set of well-defined rules as such addresses will represent only a small proportion of a state's population. Thus, no important issues arise in the definition of areas with an ABS sample design that relies on mail for data collection, as is the case with the proposed approach.

Assignments for recording travel data by sampled households will be equally distributed across all days to ensure a balanced day of week distribution. The sample (of recruitment letters to households) will be released periodically through a process that will control the balance of travel days by month.

Data Collection Methods

An updated approach to enhancing survey response has been developed. This includes providing progressive monetary incentives, and using a mail-out/mail-back recruitment survey. This recruitment survey is designed to be relevant, aesthetically pleasing, and elicit participation by including topics of importance to the respondent. Upon returning the completed recruitment survey, each household member will be provided with personalized travel logs by mail, and offered the option of completing the retrieval survey by web using a unique personal identification number (PIN) or telephone interview.

Information Proposed for Collection

Recruitment. The survey will begin with mailing the sampled households a short recruitment survey designed to collect key household information (*e.g.* enumeration of household members), additional contact information (*e.g.* email address and telephone number). This recruitment survey includes some engaging travel-related opinion or experience questions considered to be highly relevant to the survey and interesting to respondents. The initial survey will be accompanied by a letter from the USDOT, and a Business Reply Envelope.

In the first mail contact, each sampled address will receive a $2 cash incentive. The second mail contact will include the travel log package sent to each recruited household and a $5 cash incentive and a promise of an additional $20 for successfully submitting their travel logs. The incentives paid will be tracked at each of the three levels offered.

To support the mail recruitment approach, the survey contractor will provide a toll-free number on survey materials and will assist the recruited participant to provide the required information by telephone if requested to do so by the participant. A survey Web site will be established for potential respondents who want to check on the authenticity of the survey or find out more information. This Web site will also serve as the portal to the survey.

All returned recruitment surveys will be processed using commercial off-the-shelf software (COTS) technology. All data collected in the recruitment survey will be used to populate the household record in the survey database. As part of the non-response protocol, non-responding households may also be provided the opportunity to recruit by web. If respondents call the help desk or use the web to complete, their responses are collected in the same survey database.

The mail back recruitment approach described here has been tested and found to be successful in several surveys funded by the Federal Government (*e.g.,* the National Crime Victimization Survey); these surveys have proven this method can be implemented with large sample sizes covering vast geographic regions. This approach has been developed in response to declining recruitment rates in recent studies.

Retrieval. The NHTS data will be collected from respondents either from self-reporting via the web, or from professionally trained interviewers using a computer-assisted telephone interviewing (CATI) system. Either approach will be based upon a single database that allows for sophisticated branching and skip patterns to enhance data retrieval by asking only those questions that are necessary and appropriate for the individual participant. Look-up tables are included to assist with information such as vehicle makes and models. The Google map UI is used to assist in identifying specific place names and locations. The location data for the participant's home, workplace, or school are stored and automatically inserted in the dataset for trips after the first report. Household rostering is a list of all vehicles and persons in the household that allows a trip to be reported from one household member and can include another household member who travel together to be inserted into the record for the second person. This automatic insert of information reduces the burden of the second respondent to be queried about a trip already reported by the initial respondent.

[2] Source: U.S. Census Bureau, Current Population Survey, Select Years, Internet Release date: January 2014.

Data range, consistency and edit checks are automatically programmed to reduce reporting error, survey length, and maintain the flow of information processing. Data cross checks also help reduce the burden by ensuring that the reporting is consistent within each trip.

Data retrieval is based upon materials provided to participants as shown below.

Travel Log Materials

Travel Log Packet. The travel log packet will include a letter, an exemplar log, and personalized travel logs for each age eligible person in the household, and will be sent using first class postage in a 6″ x 9″ envelope. The envelopes will be branded to match the letterhead used for the invitation letter. The second respondent incentive will be included with the travel logs. This $5 cash incentive is expected to serve as a ''good faith'' incentive to encourage completion of the retrieval survey.

Travel Log Letter. A household letter will be included in the travel log packet. The letter will further familiarize the participants with the travel recording stage, identify the households' travel date and provide details about when and how to complete the retrieval survey. The letter will also remind participants about the final $20 household incentive. Like the invitation letter, the travel log letter will be branded.

Travel Logs. A personalized travel log will be provided for each household member (ages 5 and older). The logs are intended to be a memory jogger to guide accurate data collection and aid in the reporting of each place visited on the travel day.

Exemplar Log. Participants will be provided with an exemplar log with the instructions for recording the details about the places visited on the travel day.

All web and computer assisted telephone interview (CATI) instruments will be reviewed for section 508 compliance using the rules specified in sections 1194.22—'Web-based intranet and internet information and applications' and 1194.23—'Telecommunications products.' All materials will be available in both English and Spanish language forms. Spanish translations will be developed using industry standards and will apply reverse-translation protocols.

Estimated Burden Hours for Information Collection

Frequency: This collection will be conducted every 5–7 years.

Respondents. A stratified random sample of 26,000 households across the 50 states and the District of Columbia will be included in the survey. Household will include an average of 2.5 members for a total of 65,000 individual respondents to the main survey.

Estimated Average Burden per Response. It will take approximately 5 minutes per household member to complete the recruitment data form, and 20 minutes to complete the retrieval survey. This results in a total of 25 minutes per household member.

Estimated Total Annual Burden Hours. It is estimated that a total of 65,000 persons will be included in the survey. This would result in approximately 27,083 hours of support for this data collection effort.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the USDOT's performance, including whether the information will have practical utility; (2) the data acquisition methods; (3) the accuracy of the USDOT's estimate of the burden of the proposed information collection; (4) the types of data being acquired; (5) ways to enhance the quality, usefulness, and clarity of the collected information; and (6) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: April 23, 2015.

Michael Howell,

Information Collection Officer, Federal Highway Administration.

[FR Doc. 2015–09852 Filed 4–27–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of One Individual and One Entity Pursuant to Executive Order 13581, ''Blocking Property of Transnational Criminal Organizations''

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 one individual and one entity whose property and interests in property are blocked pursuant to E.O. 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: The designations by the Director of OFAC, pursuant to E.O. 13581, of the one individual and one entity identified in this notice were effective on April 21, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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

Background

On July 24, 2011, the President issued E.O. 13581, ''Blocking Property of Transnational Criminal Organizations'' (the ''Order''), pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06). The Order was effective at 12:01 a.m. eastern daylight time on July 25, 2011. In the Order, the President declared a national emergency to deal with the threat that significant transnational criminal organizations pose to the national security, foreign policy, and economy of the United States.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, of persons listed in the Annex to the Order and of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to satisfy certain criteria set forth in the Order.

On April 21, 2015, the Director of OFAC, in consultation with the Attorney General and the Secretary of State, designated, pursuant to one or more of the criteria set forth in subparagraphs (a)(ii)(A) through (a)(ii)(C) of section 1 of the Order, one individual and one entity whose property and interests in property are blocked pursuant to the Order.

The listings for this individual and this entity on OFAC's List of Specially Designated Nationals and Blocked Persons appear as follows:

Individual

1. TAKEUCHI, Teruaki (Japanese: 竹内照明), Midori-ku, Nagoya, Aichi, Japan (Japanese: 緑区, 名古屋市, 愛知県, Japan); DOB 01 Feb 1960 to 29 Feb 1960 (individual) [TCO] (Linked To: KODO-KAI; Linked To: YAMAGUCHI-GUMI; Linked To: TAKAYAMA, Kiyoshi).

Entity

1. KODO-KAI (Japanese: 弘道会) (a.k.a. KODOKAI; a.k.a. KOUDOU-KAI; a.k.a. SANDAIME KODO-KAI (Japanese: 三代目弘道会); a.k.a. THIRD KODO-KAI), 1-117 Shukuatocho, Nakamura Ward, Nagoya, Aichi, Japan (Japanese: 1-117 宿跡町中村区, 名古屋市, 愛知県, Japan) [TCO] (Linked To: YAMAGUCHI-GUMI; Linked To: TAKAYAMA, Kiyoshi; Linked To: SHINODA, Kenichi).

Dated: April 21, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–09828 Filed 4–27–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0822]

Agency Information Collection (Reimbursement of Certain Medical Expenses for Camp Lejeune Family Members)

ACTIVITIES: Under OMB Review.

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revised collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to furnish hospital care and medical services to the family members of certain veterans who were stationed at Camp Lejeune. In order to furnish such care, VA must collect certain information from the family members to ensure that they meet the requirements of the law. The specific hospital care and medical services that VA must provide are for a number of illnesses and conditions connected to exposure to contaminated drinking water while at Camp Lejeune.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 28, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0822, Reimbursement of Certain Medical Expenses for Camp Lejeune Family Members'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0822, Reimbursement of Certain Medical Expenses for Camp Lejeune Family Members'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Reimbursement of Certain Medical Expenses for Camp Lejeune Family Members.

OMB Control Number: 2900–0822.

Type of Review: Revision of a currently existing collection.

Abstract: Under 38 U.S.C. 1787, VA is required to furnish hospital care and medical services to the family members of certain veterans who were stationed at Camp Lejeune between 1957 and 1987. In order to furnish such care, VA must collect certain information from the family members to ensure that they meet the requirements of the law. VA cannot furnish the statutorily-mandated hospital care and medical services until the collection of information is approved. The specific hospital care and medical services that VA must provide are for a number of illnesses and conditions connected to exposure to contaminated drinking water while at Camp Lejeune.

Affected Public: Individuals or Households.

Estimated Total Annual Burden: 5,838 hours.

Estimated Average Burden per Respondent: 18.75 minutes.

Frequency of Response: Yearly.

Estimated Number of Respondents: 21,720.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–09791 Filed 4–27–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Tuesday,
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Part II

Department of Education

34 CFR Part 300
Assistance to States for the Education of Children With Disabilities; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 300

RIN 1820–AB65

[Docket ID ED–2012–OSERS–0020]

Assistance to States for the Education of Children With Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final rule.

SUMMARY: The Secretary of Education (Secretary) amends regulations for Part B of the Individuals with Disabilities Education Act (Part B or IDEA). These regulations govern the Assistance to States for the Education of Children with Disabilities program and the Preschool Grants for Children with Disabilities program. These amendments revise the regulations governing the requirement that local educational agencies maintain fiscal effort.

DATES: These regulations are effective on July 1, 2015.

Applicability dates: The Subsequent Years rule for Fiscal Years 2014 and 2015, stated in final § 300.203(c)(1), reiterates the relevant provision of the 2014 Appropriations Act and the 2015 Appropriations Act, respectively. As explained in the Effective Date section of the Analysis of Comments and Changes, the 2014 and 2015 Appropriations Acts made the Subsequent Years rule applicable for IDEA Part B grants awarded on July 1, 2014, and July 1, 2015, respectively.

FOR FURTHER INFORMATION CONTACT: Mary Louise Dirrigl, U.S. Department of Education, 550 12th Street SW., Potomac Center Plaza, Room 5156, Washington, DC 20202–2641. Telephone: (202) 245–7324. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay System (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: We amend the regulations governing the Assistance to States for Education of Children with Disabilities program and the Preschool Grants for Children with Disabilities program.

On September 18, 2013, the Secretary published a notice of proposed rulemaking (NPRM) in the **Federal Register** (78 FR 57324) to amend the regulations in 34 CFR part 300 governing these programs. In the preamble to the NPRM, the Secretary discussed the changes being proposed to the regulations governing the requirement that LEAs maintain effort, specifically: (1) The compliance standard; (2) the eligibility standard; (3) the level of effort required of an LEA in the year after it fails to maintain effort; and (4) the consequence for a failure to maintain local effort. These final regulations adopt the proposed amendments with modifications to improve organization, clarity, and flexibility for LEAs.

Major Changes in the Regulations

The following is a summary of the major changes in these final regulations from the regulations proposed in the NPRM. The rationale for each of these changes is discussed in the *Analysis of Comments and Changes* section of this preamble.

- We moved the regulations governing eligibility for an IDEA Part B subgrant (sections 611 and 619 of the IDEA) from proposed § 300.203(b) to § 300.203(a).
- We added language to the eligibility standard in § 300.203(a)(1) to clarify the four methods that LEAs may use to meet this standard: (1) Local funds only, (2) the combination of State and local funds, (3) local funds only on a per capita basis, or (4) the combination of State and local funds on a per capita basis.
- We changed the language in the eligibility standard in § 300.203(a)(1) to provide that the comparison year is the most recent fiscal year for which information is available, regardless of which method an LEA uses to establish eligibility.
- We added language in the eligibility standard in § 300.203(a)(2) to provide that, when determining the amount of funds that the LEA must budget to meet the requirement in paragraph § 300.203(a)(1), the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§ 300.204 (exceptions for local changes) and 300.205 (adjustment for Federal increase) that the LEA: (i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and (ii) reasonably expects to take in the fiscal year for which the LEA is budgeting.
- We added language in § 300.203(a)(3) to clarify that expenditures made from funds provided by the Federal government for which the State educational agency (SEA) is required to account to the Federal government, or for which the LEA is required to account to the Federal government directly or through the SEA, may not be considered in determining whether an LEA meets the eligibility standard in § 300.203(a)(1).
- We moved the regulations governing compliance from proposed § 300.203(a) to § 300.203(b).
- We changed the language in the compliance standard in § 300.203(b)(1) to state that the comparison year is the preceding fiscal year, regardless of which method an LEA uses to establish compliance.
- We added language to the compliance standard in § 300.203(b)(2) to clarify the four methods that LEAs may use to meet this standard: (1) Local funds only, (2) the combination of State and local funds, (3) local funds only on a per capita basis, or (4) the combination of State and local funds on a per capita basis.
- We replaced proposed § 300.203(c) with three paragraphs—§ 300.203(c)(1), (2), and (3)—to improve clarity and readability.
- The new § 300.203(c)(1) implements the requirement in the Consolidated Appropriations Act, 2014 (2014 Appropriations Act) and the Consolidated and Further Continuing Appropriations Act, 2015 (2015 Appropriations Act) that, for the fiscal years beginning on July 1, 2014, and on July 1, 2015, respectively, the level of effort an LEA must meet in the fiscal year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.
- The new § 300.203(c)(2) is applicable to any fiscal year beginning on or after July 1, 2015, and addresses the level of effort an LEA must maintain in a fiscal year after it fails to maintain effort, and the LEA is relying on local funds only, or local funds only on a per capita basis. The level of expenditures required of the LEA is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.
- The new § 300.203(c)(3) is applicable to any fiscal year beginning on or after July 1, 2015, and addresses the level of effort an LEA must maintain in a fiscal year after it fails to maintain effort, and the LEA is relying on a combination of State and local funds, or the combination of State and local funds on a per capita basis. The level of expenditures required of the LEA is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.
- We added language in § 300.203(d) to clarify that, if an LEA fails to

maintain its level of expenditures for the education of children with disabilities, the SEA is liable in a recovery action for either the amount by which the LEA failed to maintain its level of expenditures in that fiscal year or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower.

- We made conforming changes to §§ 300.204, 300.205, and 300.208.
- We added a new ''Appendix E to Part 300–Local Educational Agency Maintenance of Effort Calculation Examples''.

Public Comment

In response to our invitation in the NPRM, more than 300 parties submitted comments on the proposed regulations. The perspectives of parents, individuals with disabilities, teachers, related services providers, State and local officials, and others were very important in helping us identify where changes to the proposed regulations were necessary and in formulating those changes.

Analysis of Comments and Changes

An analysis of the comments and of any changes in the regulations since publication of the NPRM follows. We group comments and our responses to them by these subjects and sections:

THE SUBSEQUENT YEARS RULE, § 300.203(c)
EFFECTIVE DATE
LEA COMPLIANCE, § 300.203(b)
Compliance Standard and Methodology
Comparison Year
Exceptions and Adjustment
Data Retention and Administration
LEA ELIGIBILITY, § 300.203(a)
Eligibility Standard and Methodology
Comparison Year
Exceptions and Adjustment
SEA Review
Ineligibility
FAILURE TO MAINTAIN EFFORT AND CONSEQUENCE, § 300.203(d)
Legal Authority
Burden on SEAs
Calculating Penalties
MISCELLANEOUS COMMENTS

Generally, we do not address:

(a) Minor changes, including technical changes made to the language published in the NPRM;

(b) Suggested changes the Secretary is not legally authorized to make under applicable statutory authority;

(c) Suggested changes that are beyond the scope of the changes proposed in the NPRM, including comments and suggestions relating to the scope and meaning of the exceptions and adjustment in §§ 300.204 and 300.205, except as those issues are directly related to the NPRM; and

(d) Comments that express concerns of a general nature about the U.S. Department of Education (Department) or other matters that are not germane, such as requests for information about innovative instructional methods or matters that are within the purview of State and local decision-makers. However, the Department intends to issue guidance on LEA maintenance of effort (MOE) and to continue to provide technical assistance to States to address State-specific concerns.

The Subsequent Years Rule, § 300.203(c)

Throughout the *Analysis of Comments and Changes,* we reference the Subsequent Years rule. The rule, as provided in final § 300.203(c), applies to LEAs that fail to maintain effort and provides that, in the fiscal year after an LEA fails to maintain effort, the level of effort the LEA must meet under § 300.203 is the level of effort that would have been required in the absence of that failure, not the LEA's actual reduced level of expenditures.

Comment: Some commenters supported the Subsequent Years rule, which provides that, in the fiscal year after an LEA fails to maintain effort, the level of effort it must meet under § 300.203 is the level of effort that would have been required in the absence of that failure, not the LEA's actual reduced level of expenditures. Other commenters disagreed and asserted that the intent of the IDEA was to ensure that LEAs not reduce their level of expenditures for the education of children with disabilities from the preceding fiscal year, regardless of whether the LEA maintained effort in the preceding fiscal year.

Some commenters expressed concern that the Subsequent Years rule does not address the flexibility LEAs need as State and Federal funding levels shrink and as the demographics and educational needs of their students vary from year to year. These commenters recommended revising the proposed regulation to permit an LEA to use the preceding fiscal year as the comparison year to meet the compliance standard, regardless of whether the LEA met the compliance standard in that year.

In addition, a few of these commenters stated that the Subsequent Years rule is inconsistent with the IDEA and referenced the Subsequent Years provision in another section of the IDEA related to State financial support. Section 612(a)(18)(D) of the IDEA (20 U.S.C. 1412(a)(18)(D)). These commenters stated that, while Congress provided an explicit requirement for maintenance of State financial support in any fiscal year following a fiscal year in which a State failed to maintain State financial support, Congress did not address what happens in a fiscal year after an LEA fails to maintain effort. The commenters, therefore, concluded that Congress did not intend to provide for a Subsequent Years rule applicable to LEA MOE.

Discussion: The Department continues to believe that when an LEA fails to maintain its required level of expenditures, the level of expenditures required in future fiscal years is the amount that would have been required in the absence of that failure, and not the LEA's actual expenditures in the fiscal year in which it failed to meet the compliance standard. We formally adopted this interpretation in April 2012, and it is based on a careful consideration of the statutory language, structure, and purpose. *See* April 4, 2012, letter to Ms. Kathleen Boundy, available at *http://www2.ed.gov/policy/speced/guid/idea/letters/2012-2/index.html.*

Section 613(a)(2)(B) and (C) of the IDEA (20 U.S.C. 1413(a)(2)(B) and (C)) provides four exceptions and an adjustment that permit an LEA to lawfully reduce its expenditures for the education of children with disabilities when compared to the preceding fiscal year. The absence of an exception in the statute for the failure of an LEA to meet the compliance standard in the preceding fiscal year strongly supports that such a failure does not reduce the level of expenditures required in future years. In light of the detail with which other exceptions are laid out in the statute, we believe that the IDEA's silence on the level of expenditures required in the fiscal year after an LEA has failed to meet the compliance standard does not reflect an intent by Congress to permit LEAs to benefit from a violation of the IDEA. Indeed, Congress included the Subsequent Years rule in the 2014 Appropriations Act, Public Law 113–76, 128 Stat. 5, 394 (2014), and in the 2015 Appropriations Act, Public Law 113–235, 128 Stat. 2130, 2499 (2014) and used language substantially similar both to the language the Department used in the NPRM and to the language in the Subsequent Years subparagraph of the maintenance of State financial support provision in section 612(a)(18)(D) of the IDEA. These factors strongly support the Department's conclusion that the Subsequent Years rule reflects congressional intent.

Furthermore, allowing an LEA to permanently reduce spending for the education of children with disabilities by failing to comply with the IDEA in a preceding fiscal year is inconsistent with the purpose of the MOE

requirement, which is to ensure a continuation of at least a certain level of non-Federal expenditures for the education of children with disabilities, and would provide a long-term financial incentive for noncompliance.

We also believe that permitting an LEA to reduce expenditures for the education of children with disabilities for reasons not specifically stated in the exceptions and adjustment in section 613(a)(2)(B) and (C) of the IDEA (20 U.S.C. 1413(a)(2)(B) and (C)) would likely have a negative effect on the amount and type of special education and related services available for children with disabilities. This result would be contrary to the overall purpose of the IDEA, which is ''to ensure that all children with disabilities have available to them a free appropriate public education.'' Section 601(d) of the IDEA (20 U.S.C. 1401(d)).

To provide additional clarity on the Subsequent Years rule and other issues raised in comments the Department received, we have included a number of tables in the *Analysis of Comments and Changes.* In addition, we are including all of the tables in a new Appendix E in order to ensure that they will be included when these final regulations are published in the Code of **Federal Register**. Tables 1 through 4 provide examples of how an LEA may comply with the Subsequent Years rule. Figures are in $10,000s. In Table 1, for example, an LEA spent $1 million in Fiscal Year (FY) 2012–2013 on the education of children with disabilities.[1] The following year, the LEA was required to spend at least $1 million but spent only $900,000. In FY 2014–2015, therefore, the LEA is required to spend $1 million, the amount it was required to spend in 2013–2014, not the $900,000 it actually spent.

TABLE 1—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING A YEAR IN WHICH LEA FAILED TO MEET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	.....	100	Required level of effort is $100 despite LEA's failure in 2013–2014.

Table 2 shows how to calculate the required level of effort when there are consecutive fiscal years in which an LEA does not meet MOE.

TABLE 2—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING CONSECUTIVE YEARS IN WHICH LEA FAILED TO MEET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	90	100	LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014.
2015–2016	.....	100	Required level of effort is $100 despite LEA's failure in 2013–2014 and 2014–2015.

Table 3 shows how to calculate MOE in a fiscal year after which an LEA spent more than the required amount on the education of children with disabilities. This LEA spent $1.1 million in FY 2015–2016 though only $1 million was required. The required level of effort in FY 2016–2017, therefore, is $1.1 million.

TABLE 3—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING YEAR IN WHICH LEA MET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	90	100	LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014.
2015–2016	110	100	LEA met MOE.
2016–2017	.....	110	Required level of effort is $110 because LEA expended $110, and met MOE, in 2015–2016.

Table 4 shows the same calculation when, in an intervening fiscal year, 2016–2017, the LEA did not maintain effort.

[1] All references to a ''fiscal year'' in these regulations refer to the fiscal year covering that school year, unless otherwise noted.

TABLE 4—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING YEAR IN WHICH LEA DID NOT MEET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	90	100	LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014.
2015–2016	110	100	LEA met MOE.
2016–2017	100	110	LEA did not meet MOE. Required level of effort is $110 because LEA expended $110, and met MOE, in 2015–2016.
2017–2018	.....	110	Required level of effort is $110, despite LEA's failure in 2016–2017.

To increase understanding of, and therefore compliance with, the Subsequent Years rule, and to address Congress's adoption of it for FYs 2014 and 2015 (the fiscal years beginning on July 1, 2014 and July 1, 2015, respectively) in the 2014 Appropriations Act and 2015 Appropriations Act, we divided proposed § 300.203(c) into three paragraphs.

The first, § 300.203(c)(1), states the Subsequent Years rule for FYs 2014 and 2015, respectively, as provided by the 2014 and 2015 Appropriations Acts. Section 300.203(c)(1) states that if, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of § 300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures. In short, the 2014 Appropriations Act requires the LEA to maintain effort, in 2014–2015, at the level that the LEA maintained in 2013–2014, unless the LEA did not meet the effort required in that year. If it did not, the LEA must maintain effort at the level that the LEA should have maintained in 2013–2014, which is the level from the preceding fiscal year, 2012–2013. Similarly, the 2015 Appropriations Act requires the LEA to maintain effort, in 2015–2016, at the level that the LEA maintained in 2014–2015, unless the LEA did not meet the effort required in that year. If it did not, the LEA must maintain effort at the level that the LEA should have maintained in 2014–2015, which is the level from the preceding fiscal year, 2013–2014.

The second paragraph, § 300.203(c)(2), is applicable beginning on July 1, 2015, and sets out the Subsequent Years rule for when an LEA failed to meet the compliance standard using local funds only, or local funds only on a per capita basis, in a preceding fiscal year, and the LEA is relying on the same method to meet the eligibility or compliance standard in a subsequent year.

The third paragraph, § 300.203(c)(3), is also applicable beginning on July 1, 2015, and sets out the Subsequent Years rule for when an LEA failed to meet the compliance standard using a combination of State and local funds, or a combination of State and local funds on a per capita basis, in a preceding fiscal year, and the LEA is relying on the same method to meet the eligibility or compliance standard in a subsequent year.

Changes: We replaced proposed § 300.203(c) with a clearer articulation of the Subsequent Years rule in three paragraphs, § 300.203(c)(1), (2), and (3). Final § 300.203(c) accounts for the adoption of the Subsequent Years rule for FY 2014 in the 2014 Appropriations Act, and, for FY 2015 in the 2015 Appropriations Act, but does not change the substance of the Subsequent Years rule from what was proposed in the NPRM.

Effective Date

Comment: Some commenters requested that the effective date of these regulations be extended to a date later than July 1, 2014, because SEAs and LEAs will need additional time to revise their policies and procedures. Several commenters recommended that the effective date be removed altogether, because the proposed regulations did not change LEAs' existing obligation to maintain effort, which, some commenters stated, dates to 1997. Those commenters stated that the proposed July 1, 2014, effective date would permit some LEAs that did not maintain effort in a fiscal year prior to the fiscal year that begins on July 1, 2014, to take advantage of that failure.

Discussion: There appears to have been confusion among some commenters about the effective date proposed in the NPRM. We proposed July 1, 2014, because that date was to be the beginning of the first grant award period after the date on which these regulations were published. The beginning of the first grant award period after publication of these regulations is now July 1, 2015. We have, therefore, made July 1, 2015, the effective date of these regulations. We believe this gives SEAs and LEAs sufficient time to revise their policies and procedures. This does not mean, however, that the obligation of an LEA to maintain effort, or to comply with the Subsequent Years rule, begins on that date.

To the contrary, as we previously explained, the 2014 Appropriations Act and the 2015 Appropriations Act made the Subsequent Years rule applicable for the grant year beginning on July 1, 2014, and July 1, 2015, respectively. On March 13, 2014, the Office of Special Education Programs (OSEP) issued a letter to Chief State School Officers explaining the relevant provision of the 2014 Appropriations Act related to the Subsequent Years rule, and stating that the provision was effective for Part B grants awarded on July 1, 2014. *See* March 13, 2014 letter to Chief State School Officers, available at *http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/lea-moe-3-13-14.pdf*.

Prior to that, in 2012, OSEP issued the April 4, 2012, letter to Ms. Kathleen Boundy addressing this issue. In that letter, the Department set out the Subsequent Years rule, which stated that the level of effort that an LEA must meet in the year after it fails to maintain effort is the level of effort that it should have met in the preceding fiscal year and not the LEA's actual expenditures for that year. While these regulations codify this position, this has been the Department's interpretation of the statute since the letter to Ms. Boundy was issued. Therefore, the Department's expectation is that SEAs and LEAs have been complying with this interpretation since FY 2012–2013.

For FY 2012–2013, an LEA must have maintained at least the same level of expenditures as it did in the preceding fiscal year, FY 2011–2012, unless it did

not meet the compliance standard in that year. If it did not, the LEA must determine what it should have spent in FY 2011–2012, which is the amount that it actually spent in the preceding fiscal year, FY 2010–2011.

The Department is unable, as some commenters suggest, to make these regulations effective back to 1997. The Department's guidance about MOE prior to April 2012 was not always consistent with the current interpretation. For example, our 2011 letter to Dr. Bill East offered different guidance on the Subsequent Years rule. *See* June 16, 2011, letter to Dr. Bill East, available at *http://www2.ed.gov/policy/speced/guid/idea/letters/2011-2/east061611partbmoe2q2011.pdf* We cannot now fault an SEA or an LEA for following the Department's earlier guidance, and therefore cannot extend the effective date of the rules back to 1997.

Changes: The effective date of these regulations is July 1, 2015.

Comment: One commenter requested that we add a paragraph (d) to § 300.203 that would, in effect, provide that States could not determine that LEAs were out of compliance with the MOE requirement for any fiscal year for which the State had previously determined the LEA to be in compliance.

Discussion: Because the Department may not impose retroactive requirements on grantees, it is not necessary to include in the final regulations a separate provision indicating that States and LEAs that were determined to be in compliance with the regulations in effect at the time of the receipt of a grant or subgrant may rely on those determinations of compliance. The Department does not expect States to revisit their compliance determinations.

Changes: None.

LEA Compliance, § 300.203(b)

Compliance Standard and Methodology

Comment: Some commenters suggested that the regulation be revised to reflect the order of the process so that the eligibility standard is set out before the compliance standard.

Discussion: We agree that the eligibility standard should precede the compliance standard and that doing so will provide additional clarity. Therefore, we have set out the eligibility standard in § 300.203(a) and the compliance standard in § 300.203(b).

Changes: We have revised final § 300.203(a) to specify the eligibility standard and final § 300.203(b) to specify the compliance standard. We also have made conforming changes in §§ 300.203(c), 300.204, 300.205, and 300.208.

Comment: Commenters raised many questions and concerns about the four methods by which an LEA may meet the compliance standard. One commenter requested that the proposed regulations specifically list the four methods available to LEAs. Some commenters requested that the Department clarify that SEAs are required to allow LEAs to meet the compliance standard using any of the four methods. Other commenters stated that the proposed regulations emphasize meeting the MOE requirement using local funds only.

Discussion: We agree that additional clarification is needed regarding the four methods by which an LEA may meet the compliance standard. We also agree that listing the four methods individually in the compliance standard will make it easier to understand that an LEA may meet the compliance standard using any one of these four methods and that SEAs must permit LEAs to do so. Listing the four methods individually should also clarify that the regulations do not emphasize meeting the compliance standard using local funds only or local funds only on a per capita basis.

Changes: We have revised final § 300.203(b)(2) to clarify that an LEA meets the compliance standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year: (i) Local funds only; (ii) the combination of State and local funds; (iii) local funds only on a per capita basis; or (iv) the combination of State and local funds on a per capita basis.

Comment: A few commenters requested clarification regarding whether and how LEAs may change methods to establish compliance from one year to the next. A commenter asked whether an LEA must use the same method to meet the compliance standard in a fiscal year that it used to meet the eligibility standard for that same year.

Discussion: LEAs may change methods to establish compliance from one year to the next. Many LEAs will meet the compliance standard for a fiscal year using more than one method. An LEA is not required to use the same method to meet the compliance standard in a fiscal year that it used to meet the eligibility standard for that same year. For example, if an LEA meets the eligibility standard for FY 2016–2017 using local funds only, it is not required to meet the compliance standard for FY 2016–2017 using local funds only. Likewise, an LEA is not required to use the same method to meet the eligibility standard in a subsequent year that it used to meet the compliance standard in a preceding fiscal year. For example, if an LEA met the compliance standard for FY 2016–2017 using a combination of State and local funds, the LEA is not required to meet the eligibility standard for FY 2017–2018 using a combination of State and local funds.

An LEA may demonstrate that it meets the eligibility standard using any of the four methods. Similarly, during the course of an audit or other compliance review, the LEA may demonstrate that it met the compliance standard using any of the four methods. Selecting a particular method does not mean that the LEA did not meet the compliance standard using any of the other methods, or that the LEA cannot rely on those other methods to identify the amount of expenditures it must budget in order to meet the eligibility standard in a future fiscal year. It simply means that the LEA only has to meet the eligibility or compliance standard using one method.

LEAs may meet the compliance standard using alternate methods from year to year. For example, an LEA met the compliance standard in FY 2016–2017 using all four methods. During a compliance review, the LEA provided data to the SEA demonstrating that it met the compliance standard for that year using a combination of State and local funds on a per capita basis. This data would be sufficient for the SEA to find that the LEA met the compliance standard. Subsequently, the State conducts an audit to determine if the LEA met the compliance standard in the next year, FY 2017–2018. The LEA provides information to the auditor that demonstrates that it met the compliance standard in FY 2017–2018 using local funds only. In order to demonstrate that it met the compliance standard using that method, the LEA provides to the auditor the amount of local funds only that the LEA spent for the education of children with disabilities in FY 2016–2017 and in FY 2017–2018 so that the auditor is comparing each year's expenditures using the same method. A further example can be found in Table 5 below.

Changes: None.

Comment: Another commenter asked whether the LEA must use separate thresholds for compliance using local funds only as well as local funds only on a per capita basis.

Discussion: The LEA would compare the amount of local funds only spent in the comparison year and the year for which it seeks to establish compliance. The LEA is not required to maintain effort on both an aggregate and a per capita basis. For example, if the LEA spent $100 in local funds only in FY 2016–2017 and had 10 children with disabilities, the LEA spent $10 in local funds only on a per capita basis. Assuming the LEA met MOE in FY 2016–2017 using those two methods, that is the amount ($10 per child with a disability) that the LEA would have to spend in FY 2017–2018 in order to meet the compliance standard using local funds only on a per capita basis, and $100 is the aggregate amount that the LEA would have to spend in FY 2017–2018 in order to meet the compliance standard using local funds only, assuming that, in FY 2017–2018, the LEA did not take any exceptions or adjustment in §§ 300.204 and 300.205. As noted above, the LEA is required to meet the compliance standard using only one of the four methods.

Changes: None.

Comment: A commenter noted that the tables in the NPRM did not address the difficulties encountered by LEAs that wish to use the exceptions and adjustment in §§ 300.204 and 300.205, or use per capita methods.

Discussion: Tables 5 through 9 address this comment. Table 5 provides an example of how an LEA may meet the compliance standard using alternate methods from year to year without using the exceptions or adjustment in §§ 300.204 and 300.205, and provides information on the following scenario. In FY 2015–2016, the LEA meets the compliance standard using all four methods. As a result, in order to demonstrate that it met the compliance standard using any one of the four methods in FY 2016–2017, the LEA must expend at least as much as it did in FY 2015–2016 using that same method. Because the LEA spent the same amount in FY 2016–2017 as it did in FY 2015–2016, calculated using a combination of State and local funds and a combination of State and local funds on a per capita basis, the LEA met the compliance standard using both of those methods in FY 2016–2017. However, the LEA did not meet the compliance standard in FY 2016–2017 using the other two methods–local funds only or local funds only on a per capita basis–because it did not spend at least the same amount in FY 2016–2017 as it did in FY 2015–2016 using the same methods.

In FY 2017–2018, the LEA may meet the compliance standard using any one of the four methods. To meet the compliance standard using a combination of State and local funds, or a combination of State and local funds on a per capita basis, the LEA must expend at least the same amount it did in FY 2016–2017 using either of those methods, since it met the compliance standard using those methods in FY 2016–2017. Or, if the LEA seeks to meet the compliance standard using the other two methods available, local funds only or local funds only on a per capita basis, in FY 2017–2018, it must expend at least as much as it did in FY 2015–2016 using either of those methods. This is because the LEA did not meet the compliance standard using local funds only or local funds only on a per capita basis in FY 2016–2017. In FY 2016–2017, to demonstrate that it met the compliance standard using local funds only, or local funds only on a per capita basis, the LEA is required to spend at least the amount it expended in FY 2015–2016 from those sources. Per the Subsequent Years rule, the amount of expenditures from local funds only and local funds only on a per capita basis in FY 2015–2016 becomes the required level of effort in FY 2017–2018. Numbers are in $10,000s spent for the education of children with disabilities.

TABLE 5—EXAMPLE OF HOW AN LEA MAY MEET THE COMPLIANCE STANDARD USING ALTERNATE METHODS FROM YEAR TO YEAR

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count
2015–2016	*$500	*$950	*$50	*$95	10
2016–2017	400	*950	40	*95	10
2017–2018	*500	900	*50	90	10

*LEA met compliance standard using this method.

Changes: We have not changed the regulation but we have included Tables 5 through 9 to illustrate examples of how an LEA may meet the compliance or eligibility standard using alternate methods from year to year, either with or without using the exceptions or adjustment in §§ 300.204 and 300.205.

Comment: One commenter requested clarification of the two per capita methods, one based on local funds only and one based on a combination of State and local funds.

Discussion: The regulations do not change the standards for meeting MOE using local funds only on a per capita basis or a combination of State and local funds on a per capita basis. The regulations continue to use the term ''per capita,'' which, in context, refers to the amount per child with a disability served by the LEA, either in local funds per child with a disability or a combination of State and local funds per child with a disability.

When calculating the required level of effort on a per capita basis for the purpose of meeting the compliance standard, the LEA must determine the amount of local funds only (or a combination of State and local funds, as applicable) on a per capita basis that it expended for the education of children with disabilities, and reduce that amount by the exceptions or adjustment in §§ 300.204 and 300.205 calculated on a per capita basis. Specifically, the LEA must first divide the aggregate amount of exceptions and the adjustment it properly takes under §§ 300.204 and 300.205 by the child count in the comparison year. The LEA must then subtract that result from the amount of local funds only (or a combination of State and local funds, as appropriate) on a per capita basis expended in the comparison year. Using other methods to determine the required level of effort (*e.g.,* dividing the required level of aggregate effort using local funds only by the current year child count or dividing the exceptions and adjustment under §§ 300.204 and 300.205 properly taken by an LEA by the current year child count) may result in an inaccurate calculation of the required level of effort.

Table 6 provides an example of how an LEA may meet the compliance standard using alternate methods from year to year in years that the LEA used the exceptions or adjustment in §§ 300.204 and 300.205, including using the per capita methods. Numbers are in $10,000s spent for the education of children with disabilities.

TABLE 6—EXAMPLE OF HOW AN LEA MAY MEET THE COMPLIANCE STANDARD USING ALTERNATE METHODS FROM YEAR TO YEAR AND USING EXCEPTIONS OR ADJUSTMENT UNDER §§ 300.204 AND 300.205

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count
2015– 2016	$500*	$950*	$50*	$95*	10
2016– 2017	$400	$950*	$40	$95*	10
2017–2018	$450*	$1,000*	$45*	$100*	10
	In 2017–2018, the LEA was required to spend at least the same amount in local funds only that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $500 in local funds only. In 2017–2018, the LEA properly reduced its expenditures, per an exception in § 300.204, by $50, and therefore, was required to spend at least $450 in local funds only ($500 from 2015–2016 per Subsequent Years rule − $50 allowable reduction per an exception under § 300.204).		In 2017–2018, the LEA was required to spend at least the same amount in local funds only on a per capita basis that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $50 in local funds only on a per capita basis. In 2017–2018, the LEA properly reduced its aggregate expenditures, per an exception in § 300.204, by $50. $50/10 children with disabilities in the comparison year (2015–2016) = $5 per capita allowable reduction per an exception under § 300.204. $50 local funds only on a per capita basis (from 2015–2016 per Subsequent Years rule) − $5 allowable reduction per an exception under § 300.204 = $45 local funds only on a per capita basis to meet MOE.		
2018–2019	$405	$1,000*	$45*	$111.11*	9
	In 2018–2019, the LEA was required to spend at least the same amount in local funds only that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $450 in local funds only. In 2018–2019, the LEA properly reduced its expenditures, per an exception in § 300.204 by $10 and the adjustment in § 300.205 by $10. Therefore, the LEA was required to spend at least $430 in local funds only. ($450 from 2017–2018 − $20 allowable reduction per an exception and the adjustment under §§ 300.204 and 300.205).	Because the LEA did not reduce its expenditures from the comparison year (2017–2018) using a combination of State and local funds, the LEA met MOE.	In 2018–2019, the LEA was required to spend at least the same amount in local funds only on a per capita basis that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $45 in local funds only on a per capita basis. In 2018–2019, the LEA properly reduced its aggregate expenditures, per an exception in § 300.204 by $10 and the adjustment in § 300.205 by $10. $20/10 children with disabilities in the comparison year (2017–2018) = $2 per capita allowable reduction per an exception and the adjustment under §§ 300.204 and 300.205. $45 local funds only on a per capita basis (from 2017–2018) − $2 allowable reduction per an exception and the adjustment under §§ 300.204 and 300.205 = $43 local funds only on a per capita basis required to meet MOE. Actual level of effort is $405/9 (the current year child count).	Because the LEA did not reduce its expenditures from the comparison year (2017–2018) using a combination of State and local funds on a per capita basis ($1,000/9 = $111.11 and $111.11 > $100), the LEA met MOE.	

*LEA met MOE using this method.

Note: When calculating any exception(s) and/or adjustment on a per capita basis for the purpose of determining the required level of effort, the LEA must use the child count from the comparison year, and not the child count of the year in which the LEA took the exception(s) and/or adjustment. When determining the actual level of effort on a per capita basis, the LEA must use the child count for the current year. For example, in determining the actual level of effort in 2018–2019, the LEA uses a child count of 9, not the child count of 10 in the comparison year.

Changes: We have not changed the regulation but we have revised Table 6 to include the use of alternate methods from year to year to meet the MOE requirements in years where the LEA used the exceptions or adjustment.

Comment: One commenter asked whether the LEA or the SEA selects the method by which an LEA met the compliance standard if the LEA in fact met the standard using more than one method. The commenter expressed concern that choosing one method over another will affect the comparison year to be used in the future.

Discussion: The SEA is responsible for determining whether an LEA meets the MOE eligibility standard in § 300.203(a) and for determining whether an LEA meets the MOE compliance standard in § 300.203(b). In order to make this determination, the SEA must permit the LEA to meet either standard using any of the four methods. If the LEA meets the standards using more than one method, the SEA may select the method it uses to determine that the LEA met the eligibility or compliance standard. Ultimately, however, regardless of the method used to make these determinations, an LEA is not precluded from selecting a different method to meet either the eligibility or compliance standard in a subsequent year.

Changes: None.

Comment: A commenter suggested that the per capita calculation be expanded to allow for either

''headcount'' or a full-time equivalent (FTE) because FTE is more closely related to the cost of services than headcount.

Discussion: By referencing FTE, we assume that the commenter was referring to using a per capita method of calculating effort that measures the cost per hour of special education and related services an LEA provides to children with disabilities, rather than the amount spent per child with a disability, in a particular fiscal year. Using a measure that depends on the cost of FTEs could allow LEAs to meet MOE by reducing the number of hours of special education and related services an LEA provides to children with disabilities. We therefore decline to adopt this method of measuring effort. This decision is consistent with the position we have taken on the meaning of ''per capita.'' As explained in the *Analysis of Comments and Changes* in the preamble to the 2006 IDEA Part B regulations, ''[w]e do not believe it is necessary to include a definition of 'per capita' . . . because we believe that, in the context of the regulations, it is clear that we are using this term to refer to the amount per child with a disability served by the LEA.'' See 71 FR 46540, 46624 (Aug. 14, 2006).

Changes: None.

Comment: Some commenters asked for clarification on how to determine the amount an LEA must spend in local funds only or local funds only on a per capita basis to meet the compliance and eligibility standards if the LEA has never spent local funds for the education of children with disabilities in the past. The commenters asked whether these LEAs may use ''zero'' local funds as the amount spent in the comparison year and noted that, if this is the case, these LEAs will always meet the compliance and eligibility standards using local funds only, even in years when the level of expenditures for the education of children with disabilities made from a combination of State and local funds, or a combination of State and local funds on a per capita basis, is lower than the level of those expenditures in the comparison year.

Discussion: LEAs, including an LEA that has not spent any local funds for the education of children with disabilities since the MOE requirement was enacted in 1997, are permitted to use any of the four methods to meet the compliance and eligibility standards. An LEA that has spent $0 in local funds for the education of children with disabilities can meet the compliance and eligibility standards by continuing to budget and spend $0 in local funds for the education of children with disabilities. However, the Department believes that there are very few instances where LEAs have expended $0 in local funds for the education of children with disabilities. We remind LEAs that, when demonstrating that they meet the compliance and eligibility standards using any of the four methods, they must be able to provide auditable data regarding their expenditures from the relevant sources in all relevant years. Simply because an LEA does not account for local funds separately from State funds does not mean that the LEA expends $0 in local funds for the education of children with disabilities. We also remind LEAs that, regardless of which method they use to demonstrate that they meet the standards, they must continue to make a free appropriate public education (FAPE) available to all eligible children with disabilities.

Changes: None.

Comment: One commenter suggested that the MOE requirement be changed from a dollar requirement to a requirement that LEAs maintain only the same percentage of expenditures for the education of children with disabilities compared to the overall education budget.

Discussion: Section 613(a)(2)(A)(iii) of the IDEA (20 U.S.C. 1413(a)(2)(A)(iii)) states that, except as provided in section 613(a)(2)(B) and (C) of the Act, Part B funds provided to an LEA must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA below the level of those expenditures for the preceding fiscal year. Substituting a requirement that an LEA not reduce the percentage of its total budget spent for the education of children with disabilities would not ensure that the LEA would meet the requirement in the statute, which prohibits a reduction in the level of expenditures for the education of children with disabilities, and not a percentage of the overall education budget. In addition, this approach does not provide protection for children with disabilities when the overall amount of the education budget drops. Therefore, the Department declines to make this change.

Changes: None.

Comment: A commenter stated that the Subsequent Years rule does not permit an LEA to take into account that the LEA met the compliance standard using a different method in a preceding fiscal year and would, for example, prevent an LEA from meeting the compliance standard using local funds only on a per capita basis if the LEA had used a different method in the preceding fiscal year.

Discussion: The Subsequent Years rule does not prevent an LEA from using any of the four methods to meet the compliance standard in § 300.203(b), as demonstrated in Table 5. However, an LEA that wishes to meet the compliance standard in a fiscal year using one particular method must be able to identify the amount of funds that the LEA expended in the most recent fiscal year in which the LEA met the compliance standard using that same method.

In the hypothetical posed by the commenter (in which an LEA wished to meet the compliance standard using local funds only on a per capita basis), the LEA would look to the preceding fiscal year and determine the amount of expenditures for the education of children with disabilities made by the LEA with local funds only on a per capita basis. If the LEA could have met the compliance standard using that method in the preceding fiscal year, the amount expended by the LEA using local funds only on a per capita basis in the preceding fiscal year is the minimum amount that the LEA must spend in order to meet the compliance standard in the current year using that method.

However, if the LEA could not have met the compliance standard using local funds only on a per capita basis in the preceding fiscal year, the Subsequent Years rule applies. In that case, the LEA must determine the amount of local funds only on a per capita basis that the LEA should have spent in the preceding fiscal year in order to have met the compliance standard in that year. That is the amount of local funds only on a per capita basis that the LEA will need to spend in the current year to meet the compliance standard.

Changes: None.

Comment: A commenter suggested we reverse the order of the compliance standard in proposed § 300.203(a)(2)(i) and (ii) so that the methods that reference local funds only precede the methods that reference State and local funds. Another commenter recommended that the compliance standard in proposed § 300.203(a)(2) be rephrased in affirmative language.

Discussion: As previously stated, we have revised final § 300.203(b)(2) (proposed § 300.203(a)(2)(i) and (ii)). Therefore, the suggestion to reverse the order of proposed § 300.203(a)(2)(i) and (ii) is no longer applicable. These comments and analyses use affirmative language where appropriate. In addition, the Department intends to issue guidance on these regulations and plans to provide examples in that guidance using affirmative language.

Changes: None.

Comment: One commenter recommended that the determination that an LEA receives pursuant to section 616 of the IDEA (20 U.S.C. 1416) be considered when deciding whether an LEA met the MOE compliance standard because that determination is based on IDEA Part B compliance requirements and is an indication that the LEA implemented the requirements of the IDEA.

Discussion: Section 616 of the IDEA includes provisions related to monitoring, technical assistance, and enforcement of the IDEA. Pursuant to section 616(a)(1)(C) of the IDEA and 34 CFR 300.600(a), each State must determine annually whether an LEA meets the requirements and purposes of the IDEA. The commenter's suggestion is not consistent with section 613(a)(2)(A)(iii) of the IDEA (20 U.S.C. 1413(a)(2)(A)(iii)), which requires LEAs to maintain effort. Compliance with the MOE provision is a distinct requirement that cannot be met through compliance with other IDEA requirements or through meeting results targets.

Changes: None.

Comment: One commenter recommended that we add a new subsection to proposed § 300.203 entitled ''Budget and Expenditure Categories'' that would define or reference the terms ''education'' and ''related services.'' The commenter recommended that the regulations allow LEAs to compare either ''education'' expenditures or ''education and related services'' expenditures to meet the compliance and eligibility standards. The commenter stated that, in States where certain federally-defined ''related services'' are considered ''education'' pursuant to State law, an annual MOE comparison of ''education and related services'' may be preferable. The commenter stated that, in that instance, the match provided in order to receive the Federal Medicaid reimbursement should be included in the calculation.

Discussion: The Department disagrees that the regulations should include definitions of these terms. The terms ''special education'' and ''related services'' are defined in §§ 300.39 and 300.34, respectively. When calculating the amount an LEA spends for the education of children with disabilities, the LEA must include expenditures for related services, regardless of whether a State considers certain federally-defined related services as education pursuant to State law. LEAs must include the amount of local only, or State and local, funds spent for the education of children with disabilities when calculating the level of effort required to meet the eligibility and compliance standards, even if those local only, or State and local, funds are also used to meet a matching requirement in the Medicaid program. We believe the regulations adequately address the expenditures that may be included in the MOE calculations, and therefore decline to add a new subsection addressing specific budget and expenditure categories.

Changes: None.

Comparison Year

Comment: We received many comments about proposed § 300.203(a)(2)(ii), which provided that the comparison year for an LEA that seeks to establish compliance using local funds only, or local funds only on a per capita basis, is ''the most recent fiscal year for which the LEA met the MOE compliance standard based on local funds only, even if the LEA also met the MOE compliance standard based on State and local funds. . . .'' Some commenters stated that the comparison year must always be the ''preceding fiscal year'' because that is the language in the statute. Other commenters suggested that proposed subsection (a)(1) include the language ''even if the LEA also met the MOE compliance standard based on State and local funds. . . .'' A few commenters stated that, in almost all circumstances, the baseline for MOE when using expenditures of local funds only will be the year of the highest level of expenditures of local funds only, even if that level was not from the preceding fiscal year, and even if the LEA met MOE in the preceding fiscal year using a different method.

Discussion: We agree with the commenters that, when an LEA seeks to meet the compliance standard using local funds only, or local funds only on a per capita basis, the comparison year should align with the language in section 613(a)(2)(A)(iii) of the IDEA (20 U.S.C. 1413(a)(2)(A)(iii)), which is ''the preceding fiscal year.'' Using the same comparison year for local funds only and for State and local funds will simplify the requirement for LEAs, SEAs, and auditors, which should result in increased compliance and enforcement. Therefore, we changed the comparison year for meeting the compliance standard using local funds only in proposed § 300.203(a)(2)(ii) to ''the preceding fiscal year'' from ''the most recent fiscal year for which the LEA met the MOE compliance standard based on local funds only, even if the LEA also met the MOE compliance standard based on State and local funds.''

However, because we are adopting the Subsequent Years rule in § 300.203(c), the Department is, in effect, defining ''the preceding fiscal year'' to mean the last fiscal year in which the LEA met MOE, regardless of whether the LEA is seeking to establish compliance based on local funds only, or based on State and local funds. Because our change affects the comparison year for the MOE calculation using local funds only, the provision in proposed § 300.203(a)(2)(iii), which addresses the comparison year if the LEA has not previously met the MOE compliance standard based on local funds only, is no longer necessary.

With regard to the comment that the comparison year when using local funds only, or local funds only on a per capita basis, will usually be the year of the highest level of local funds only expenditures, the final regulations at § 300.203(b)(2) provide that, regardless of the method used, the comparison year is always the preceding fiscal year. However, the comparison year is subject to the Subsequent Years rule in § 300.203(c), which means that, if the LEA did not maintain effort in the preceding fiscal year using local funds only, the required amount to meet the MOE compliance standard using local funds only is the amount that would have been required in the absence of that failure, and not the LEA's reduced level of local funds only expenditures.

Changes: We have revised final § 300.203(b)(2) to specify that the comparison year, regardless of the method used, is the preceding fiscal year. We also removed proposed § 300.203(a)(2)(iii).

Comment: One commenter questioned the language in proposed § 300.203(a)(2)(i) and (ii) that permitted LEAs to meet the compliance standard using local funds only and the combination of State and local funds. The commenter stated that having two standards imposes an unnecessary burden on SEAs and LEAs, which could result in additional misapplication of the MOE compliance standard.

Discussion: The Department agrees that proposed § 300.203(a)(2)(i) and (ii) could benefit from additional clarification and that confusion will not promote compliance. Therefore, we have revised final § 300.203(b)(2) (proposed § 300.203(a)(2)(i) and (ii)) to state the compliance standard more clearly.

However, the option to meet the compliance standard based on local funds only or a combination of State and local funds is not new. The 1999 IDEA Part B regulations provided additional flexibility to LEAs in the

event of increased funding from State sources by permitting LEAs to meet MOE based on State and local funds, and the 2006 IDEA Part B regulations maintained that language. As explained in the *Analysis of Comments and Changes* in the preamble to the 1999 IDEA Part B regulations, if a State increases funding to LEAs to reduce the fiscal burden on local government, an LEA may not need to continue to put the same amount of local funds toward expenditures for the education of children with disabilities in order to meet the MOE requirement. See 64 FR 12406, 12571 (Mar. 12, 1999). However, if a State increases funding to an LEA, the LEA should not be able to replace any or all of its local funds with State funds unless the combination of State and local funds is not at least equal to the amount expended from the same source in a preceding fiscal year (subject to the Subsequent Years rule), as this would result in reductions in expenditures not contemplated by the statute.

Changes: We have revised final § 300.203(b)(2) to state the compliance standard more clearly and to specify that the comparison year, regardless of the method used, is the preceding fiscal year.

Exceptions and Adjustment

Comment: One commenter asked for clarification of the relationship between the amount by which an LEA is permitted to reduce its expenditures pursuant to §§ 300.204 and 300.205 and the amount the LEA must spend to meet the compliance standard in a future fiscal year. The commenter asked how the threshold for future compliance using local funds only or a combination of State and local funds is affected if an LEA reduces its expenditures in an amount less than the maximum amount permitted by §§ 300.204 and 300.205.

Discussion: The LEA's actual level of expenditures for the education of children with disabilities in a preceding fiscal year, and not the reduced level of expenditures that the LEA could have spent had it taken all of the exceptions and the adjustment permitted by §§ 300.204 and 300.205, is the level of expenditures required of the LEA in a future fiscal year (which may be affected by the Subsequent Years rule in § 300.203(c)). For example, in FY 2015–2016, an LEA could have reduced its expenditures by $100,000 (from $2,100,000 to $2,000,000) by taking all of the exceptions permitted by § 300.204. However, this LEA actually spent $2,025,000 in FY 2015–2016. Therefore, this LEA only reduced its expenditures by $75,000. In FY 2016–2017, the LEA must spend at least $2,025,000 if it chooses to use the same method of measuring expenditures (before calculating any exceptions or adjustment in §§ 300.204 and 300.205 that it takes in FY 2016–2017).

Changes: None.

Comment: A commenter asked whether exceptions taken pursuant to § 300.204 have to be specifically identified as reductions to State or local expenditures and whether all exceptions are allowable against local expenditures.

Discussion: An LEA need not identify the exceptions and adjustment in §§ 300.204 and 300.205 as applying specifically against State or local expenditures. An LEA may apply the exceptions and the adjustment in §§ 300.204 and 300.205 to meet the compliance standard using any of the four methods. For an example of this calculation, see Table 6.

Changes: None.

Comment: One commenter requested that the Department allow an LEA to reduce its required level of expenditures if the increase in expenditures with State and local funds, or local funds only, in the preceding fiscal year was caused by a reduction in IDEA Part B funds. Some commenters stated that, as Federal funding fluctuates, LEAs need additional flexibility to move dollars in and out of programs.

Discussion: While it is unusual for IDEA Part B funds to be reduced, the Department recognizes that this has occurred in the past. Nevertheless, reductions in expenditures, other than those permitted by the exceptions and adjustment in §§ 300.204 and 300.205, are not permissible under the statute and regulations, even if the LEA experienced decreased revenues. LEAs, therefore, must meet the eligibility and compliance standards regardless of the amount of their IDEA Part B subgrant.

Changes: None.

Comment: A few commenters requested that the Department consider a provision in the regulations that would permit a waiver of the MOE requirement, and they noted that the IDEA does not specifically prohibit MOE waivers.

Discussion: The statute does not include a waiver provision for LEA MOE. Therefore, we believe that adding such a waiver would be inconsistent with the language and purpose of the MOE requirement in section 613(a)(2)(A)(iii) of the IDEA (20 U.S.C. 1413(a)(2)(A)(iii)). In addition, the Department believes that the exceptions and adjustment in §§ 300.204 and 300.205, and the ability to meet the MOE eligibility and compliance standards using any of the four methods, provide adequate flexibility to LEAs. Therefore, these regulations do not provide for waivers of LEA MOE.

Changes: None.

Data Retention and Administration

Comment: Commenters raised many questions and concerns about whether the proposed regulations would require LEAs and SEAs to maintain data and information on expenditures. Some commenters raised concerns or questions about the number of years for which LEAs and SEAs would have to maintain information related to meeting the eligibility and compliance standards. One of these commenters questioned how the MOE requirement interacts with State and local data retention policies because, without established time limits on how long the data must be maintained, the requirement may conflict with those policies. Several commenters expressed concern about the requirement for LEAs and SEAs to have systems that maintain information on the reductions an LEA took pursuant to §§ 300.204 and 300.205. Commenters were concerned about LEAs' ability to track the allowable exceptions and adjustment every year, and the cost of doing so, even if LEAs meet the MOE requirement, and particularly if they are required to go back an indefinite number of years to examine information. Some commenters stated that the proposed regulations would increase administrative costs if LEAs are required to track expenses by local and State sources separately. A few commenters asked what circumstances an LEA may take into account if it is required to go back more than five years to compare its expenditures (*e.g.,* population shifts; State changes in funding formulas for special education; changes in poverty levels; statutory structural changes that shift pension or health care contributions from the employer (LEA) to the employees).

Discussion: As an initial matter, in accordance with 34 CFR 76.731, SEAs and LEAs must keep records to show their compliance with program requirements, including the MOE requirement in § 300.203 and the provisions for exceptions and adjustment permitted in §§ 300.204 and 300.205. SEAs and LEAs are subject to the record retention requirements in 2 CFR 200.333, under which records must generally be retained for three years from the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. Under 34 CFR 76.709, if SEAs or LEAs do not obligate all of their IDEA

Part B grant or subgrant funds by the end of the fiscal year for which Congress appropriated the funds, they may obligate those funds during a carryover period of one additional year. Therefore, SEAs and LEAs must generally keep records to show compliance with the MOE requirement for a minimum of five years. SEAs and LEAs have the discretion to keep the records longer than the required retention period if necessary to meet State and local data retention requirements.

The Department recognizes that there is confusion about the information and data that LEAs and SEAs must maintain in order to meet the eligibility and compliance standards. In addition to the minimum five-year record retention requirement discussed above, an LEA that wishes to retain the flexibility to use any of the four methods to meet the MOE requirement in a particular fiscal year must have data and information that allow the LEA to determine the amount of expenditures it made in the relevant comparison year using that same method.

An LEA that wishes to reduce its expenditures pursuant to the exceptions and adjustment in §§ 300.204 and 300.205 must have data and information that demonstrate the LEA properly took the exceptions and adjustment.

Unless the LEA failed to meet the compliance standard in the preceding fiscal year, the LEA will need information only from the preceding fiscal year to demonstrate compliance with the MOE requirement. However, if the LEA did not meet the compliance standard in the preceding fiscal year, the LEA will have to determine the proper comparison year. To do so, the LEA must use the Subsequent Years rule in § 300.203(c) and have information for that fiscal year, even if that fiscal year falls outside of the five years required for record retention.

For example, an LEA that wishes to meet the compliance standard in FY 2016–2017 using a combination of State and local funds must have information on the amount of State and local funds it expended for the education of children with disabilities in the preceding fiscal year, which is FY 2015–2016. If the LEA did not meet the compliance standard using that method in FY 2015–2016, it must have information from the proper comparison year. Since the Subsequent Years rule requirement is effective, at the earliest, for FY 2012–2013, the earliest fiscal year for which the LEA must have information is FY 2010–2011. This is because, in FY 2012–2013, the LEA must have spent at least the same amount for the education of children with disabilities as it spent in FY 2011–2012. If the LEA did not meet the compliance standard in FY 2011–2012, the LEA must, using that same method, determine what it should have spent in FY 2011–2012, which is what it actually spent in FY 2010–2011. In addition, in this hypothetical, if the LEA reduces expenditures in FY 2016–2017 based on an exception or adjustment permitted in §§ 300.204 and 300.205, the LEA must have documentation that it properly took the exception or adjustment.

Finally, neither the proposed nor the final regulations change the circumstances under which an LEA may use the exceptions and adjustment in §§ 300.204 and 300.205, nor do they impose additional data retention requirements on LEAs. The change in circumstances raised by commenters, such as shifts in funding formulas, or changes that shift pension or health care contributions from the State or LEA to the employee, are not exceptions to the MOE requirement, and LEAs, therefore, would not be required to retain this information to demonstrate compliance with the MOE requirement.

Changes: None.

Comment: One commenter stated that, if an LEA does not have information on the amount of ''local funds only'' expended for the education of children with disabilities for a specified time period, the LEA should not be able to use the ''local funds only'' option to meet the eligibility and compliance standards for that same time period.

Discussion: We understand that, due to State or local fiscal systems, some LEAs cannot distinguish between expenditures made with State funds and those made with local funds. While the regulations permit LEAs to use any one of the four methods, the regulations do not require an LEA to separately account for expenditures made with local funds and those made with State funds. However, regardless of the method used, LEAs must be able to provide auditable data to document that they met the eligibility and/or compliance standards using that method. Therefore, LEAs that are unable to account for local funds only, or local funds only on a per capita basis, or that choose not to retain those records, will be unable to use those methods to meet the eligibility and compliance standards and instead must meet the eligibility and compliance standards using either the combination of State and local funds or the combination of State and local funds on a per capita basis.

Changes: None.

Comment: One commenter expressed concern that the proposed changes to the regulations will require significant revision of training materials and documentation that some States have used for at least 15 years.

Discussion: We understand that the changes to the MOE regulations may require changes to States' policies and procedures and may therefore also require revisions to their training materials and documentation practices. However, we believe that the changes we are making to the regulations are necessary to increase understanding of, and compliance with, the MOE requirement. The Department will provide guidance on these regulations that will assist States in training LEAs on the documentation needed to demonstrate compliance with the MOE requirement.

Changes: None.

LEA Eligibility, § 300.203(a)

Eligibility Standard and Methodology

Comment: Commenters raised many questions and concerns related to the four methods by which an LEA may meet the eligibility standard. One commenter requested that the regulations specifically list the four methods available to LEAs. Some commenters requested that the Department clarify that SEAs are required to allow LEAs to meet the eligibility standard using all four methods. Other commenters stated that the proposed regulations emphasize meeting the MOE requirement using local funds only, rather than clarifying that an LEA may meet the requirement through any of the four methods.

Discussion: We agree that additional clarification is needed regarding the four methods by which an LEA may meet the eligibility standard. We also agree that listing the four methods individually in the eligibility standard will clarify that an LEA may meet the eligibility standard using any one of these four methods, and that SEAs must permit LEAs to do so. Listing the four methods individually should also clarify that the regulations do not give preference or greater weight to any of the four methods.

Changes: We have revised final § 300.203(a)(1) (proposed § 300.203(b)) to specify that, for purposes of establishing an LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available: (i) Local funds only; (ii) the combination of State and local funds; (iii) local funds only on

a per capita basis; or (iv) the combination of State and local funds on a per capita basis.

Comment: One commenter recommended that the Department retain the language in current § 300.203(b)(1) requiring ''at least the same total or per capita amount . . . the LEA spent . . . for the most recent prior year for which information is available.'' The commenter objected that replacing ''the most recent prior year'' with ''the most recent fiscal year'' would narrow the regulation and not give LEAs the opportunity to submit allowable exceptions for reduced expenditures that may have taken place multiple fiscal years ago. Other commenters supported the change from ''most recent prior year'' to ''most recent fiscal year'' because the latter provides more clarity.

Discussion: We do not believe that the change from ''most recent prior year'' to ''most recent fiscal year'' has the effect on demonstrating eligibility that the commenter attributes to it. The change is not a substantive change, and merely aligns the language of the regulation to the language of the statute, which uses ''fiscal year'' and does not use ''prior year.'' Section 613(a)(2)(A)(iii) of the IDEA (20 U.S.C. 1413(a)(2)(A)(iii)). Nothing in this language prevents an LEA from reducing the amount of funds expended for the education of children with disabilities pursuant to the exceptions in § 300.204 or adjustment in § 300.205. However, an LEA may not look back to a previous fiscal year and claim exceptions for that fiscal year that it did not actually take during that fiscal year. For example, an LEA expended $10,000 for the education of children with disabilities in FY 2014–2015. During that fiscal year, the LEA could have properly reduced its expenditures pursuant to exceptions in § 300.204 by $500 but chose not to do so. In January 2016, the LEA is budgeting for the expenditures for the education of children with disabilities in order to demonstrate eligibility for an IDEA Part B subgrant for FY 2016–2017. The most recent fiscal year for which the LEA has information is FY 2014–2015. The LEA must budget $10,000 for the education of children with disabilities, and not $9,500. This is not a change in current law.

Changes: None.

Comparison Year

Comment: The Department received many comments about the comparison year an LEA must use when meeting the eligibility standard. Some commenters supported a comparison year that is the same regardless of which of the four methods the LEA uses to meet the eligibility standard.

Discussion: The Department appreciates the comments and questions that we received about the comparison year for the eligibility standard. We agree that the comparison year should be the same regardless of the method an LEA uses to meet the eligibility standard.

Using the same comparison year for local funds only and for the combination of State and local funds will simplify the requirement for LEAs, SEAs, and auditors, and therefore should result in increased compliance and enforcement. In addition, this is consistent with how we changed the comparison year for the compliance standard using local funds only. Therefore, we have changed the comparison year for meeting the eligibility standard using local funds only in proposed § 300.203(b)(2) from ''the most recent fiscal year for which information is available and the LEA met the MOE compliance standard based on local funds only, even if the LEA also met the MOE compliance standard based on State and local funds'' to ''the most recent fiscal year for which information is available'' in final § 300.203(a)(1). However, because we are adopting the Subsequent Years rule in § 300.203(c), the Department is, in effect, defining ''the most recent fiscal year for which information is available'' to mean the most recent fiscal year in which the LEA met MOE and for which it has information available, regardless of whether the LEA is seeking to meet the eligibility standard based on local funds only, or based on the combination of State and local funds. Because we have changed the comparison year for local funds only, the provision in proposed § 300.203(b)(3), which addresses the comparison year if the LEA has not previously met the MOE compliance standard based on local funds only, is no longer necessary.

Changes: We have revised final § 300.203(a)(1) (proposed § 300.203(b)(2)) to specify that the comparison year, regardless of the method used, is the most recent fiscal year for which information is available. We also removed proposed § 300.203(b)(3).

Comment: Some commenters sought a comparison year for the eligibility standard that is the ''preceding fiscal year'' and objected to making the comparison year ''the most recent fiscal year for which information is available.'' These commenters stated that the proposed regulation leaves open the possibility that the comparison year will be so far in the past that it will not provide a meaningful comparison. Similarly, other commenters recommended including language that limits how far back SEAs and LEAs must look as a reference point for comparison.

Discussion: We do not agree with commenters who stated that the comparison year should be ''the preceding fiscal year'' because, at the time most LEAs are budgeting for the next fiscal year (the ''budget year''), the fiscal year preceding the budget year has not yet ended. Therefore, the LEA must look to the amount actually spent in ''the most recent fiscal year for which information is available'' to determine the amount it must budget to meet the eligibility standard.

We anticipate that ''the most recent fiscal year for which information is available'' will be two years before the budget year and therefore will not be so far in the past as to preclude a meaningful comparison. We assume, for example, that when an LEA is budgeting for FY 2016–2017, the most recent fiscal year for which final expenditure data are available would be FY 2014–2015. However, because circumstances in individual LEAs may vary, the Department declines to include language in the regulations that limits how far back SEAs and LEAs must go to identify a comparison year.

Changes: None.

Comment: A commenter asked what comparison year an LEA would use to meet the eligibility standard in a fiscal year subsequent to a fiscal year (or years) when the LEA was not eligible for, or did not receive, an IDEA Part B subgrant.

Discussion: An LEA that seeks to establish eligibility in a fiscal year subsequent to a fiscal year (or years) when the LEA was not eligible, or did not receive, an IDEA Part B subgrant, must use the comparison year in § 300.203(a)(1), which is ''the most recent fiscal year for which information is available.'' This is the case even if the most recent fiscal year for which information is available is a fiscal year during which the LEA was not eligible for, or did not receive, an IDEA Part B subgrant.

Changes: None.

Comment: A commenter asked whether, in order to meet the eligibility standard, an LEA must use the same method it used to meet the compliance standard in the most recent fiscal year for which information is available.

Discussion: When establishing eligibility, an LEA is not required to use the same method it used to meet the compliance standard in the most recent

fiscal year for which information is available. When an LEA is budgeting for the education of children with disabilities, the LEA selects a method by which it intends to meet the eligibility standard. The LEA identifies the amount it spent for the education of children with disabilities using that same method in the most recent fiscal year for which information is available. If the LEA met the compliance standard using the same method in the most recent fiscal year for which information is available, the LEA must budget at least that amount (after taking into consideration the exceptions and adjustment in §§ 300.204 and 300.205, as permitted by § 300.203(a)(2)) in order to meet the eligibility standard.

Pursuant to the Subsequent Years rule in § 300.203(c), if the LEA did not meet the compliance standard using that method in the most recent fiscal year for which information is available, the LEA determines the amount that the LEA should have spent for the education of children with disabilities using that same method in the most recent fiscal year for which information is available. In that case, the LEA must budget at least that amount (after taking into consideration the exceptions and adjustment in §§ 300.204 and 300.205, as permitted by § 300.203(a)(2)) in order to meet the eligibility standard.

Tables 7 and 8 demonstrate how an LEA could meet the eligibility standard over a period of years using different methods from year to year. These tables assume that the LEA did not take any of the exceptions or adjustment in §§ 300.204 and 300.205. Numbers are in $10,000s budgeted and spent for the education of children with disabilities.

TABLE 7—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD IN 2016–2017 USING DIFFERENT METHODS

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
2014–2015	*$500	*$1,000	*$50	*$100	10	
2015–2016	.....	.....	.....	.....	.....	Final information not available at time of budgeting for 2016–2017.
How much must the LEA budget for 2016–2017 to meet the eligibility standard in 2016–2017?	500	1,000	50	100	.....	When the LEA submits a budget for 2016–2017, the most recent fiscal year for which the LEA has information is 2014–2015. It is not necessary for the LEA to consider information on expenditures for a fiscal year prior to 2014–2015 because the LEA maintained effort in 2014–2015. Therefore, the Subsequent Years rule in § 300.203(c) is not applicable.

*The LEA met the compliance standard using all 4 methods.

TABLE 8—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD IN 2017–2018 USING DIFFERENT METHODS AND THE APPLICATION OF THE SUBSEQUENT YEARS RULE

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
2014–2015	*$500	*$1,000	*$50	*$100	10	
2015–2016	450	*1,000	45	*100	10	
2016–2017	.....	.....	.....	.....	.....	Final information not available at time of budgeting for 2017–2018.
How much must the LEA budget for 2017–2018 to meet the eligibility standard in 2017–2018?	500	1,000	50	100	.....	If the LEA seeks to use a combination of State and local funds, or a combination of State and local funds on a per capita basis, to meet the eligibility standard, the LEA does not consider information on expenditures for a fiscal year prior to 2015–2016 because the LEA maintained effort in 2015–2016 using those methods.

TABLE 8—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD IN 2017–2018 USING DIFFERENT METHODS AND THE APPLICATION OF THE SUBSEQUENT YEARS RULE—Continued

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
						However, if the LEA seeks to use local funds only, or local funds only on a per capita basis, to meet the eligibility standard, the LEA must use information on expenditures for a fiscal year prior to 2015–2016 because the LEA did not maintain effort in 2015–2016 using either of those methods, per the Subsequent Years rule. That is, the LEA must determine what it should have spent in 2015–2016 using either of those methods, and that is the amount that the LEA must budget in 2017–2018.

* LEA met MOE using this method.

Changes: None.

Comment: A commenter stated that because the SEA is responsible for paying back funds if an LEA fails to maintain effort, it is better left to the SEA to determine how LEAs must demonstrate eligibility for an IDEA Part B subgrant.

Discussion: Section 613(a) of the IDEA (20 U.S.C. 1413(a)) provides the standard for an LEA's eligibility for an IDEA Part B subgrant. An LEA is eligible for assistance under IDEA Part B in a fiscal year only if it submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in section 613(a) of the IDEA, including an assurance that amounts provided to the LEA will not be used, except as provided in the statutory exceptions and adjustment, to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year. In addition, for the purpose of establishing an LEA's eligibility for an IDEA Part B subgrant in § 300.203(a), the SEA must determine that the LEA budgets for the education of children with disabilities at least the same total or per capita amount as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available. Because the IDEA statute and regulations specify that LEAs must meet these eligibility requirements, it would be inconsistent with the IDEA to allow SEAs to use different eligibility requirements. The fact that an SEA would be liable in a recovery action pursuant to section 452 of the General Education Provisions Act (GEPA) (20 U.S.C. 1234a) does not affect the Department's responsibility to interpret the statute and issue regulations on the MOE requirement or the State's responsibility to ensure that LEAs meet the eligibility requirements.

Changes: None.

Exceptions and Adjustment

Comment: Many commenters objected to the eligibility standard in proposed § 300.203(b)(1), which would require an LEA to budget, for the education of children with disabilities, at least the same total or per capita amount as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available without permitting LEAs to take into consideration the exceptions and adjustment permitted in §§ 300.204 and 300.205. Some of these commenters recommended that proposed § 300.203(b)(1) make explicit reference to the authorized exceptions and adjustment in §§ 300.204 and 300.205. In addition, some commenters asked the Department to clarify how an LEA may consider the exceptions and adjustment in §§ 300.204 and 300.205 when budgeting for the expenditures for the education of children with disabilities.

Discussion: The commenters appear to have partially misread proposed § 300.203(b)(1), which did permit an LEA to take into consideration the exceptions and adjustment that the LEA actually took in the comparison year, as permitted in §§ 300.204 and 300.205, when calculating the amount of expenditures for the education of children with disabilities in the most recent fiscal year for which information is available. The final regulations at § 300.203(a)(1) continue to permit an LEA to take into consideration the exceptions and adjustment, as permitted in §§ 300.204 and 300.205.

What the proposed rule did not do, however, was permit an LEA to take into consideration exceptions or an adjustment taken in the intervening fiscal year(s) between the budget year and the comparison year. The proposed rule also did not permit an LEA to consider the exceptions and adjustment that it reasonably anticipates taking in the budget year but that have not yet occurred.

We understand that an LEA will have information about exceptions and an adjustment that it took in the intervening year(s), even if the LEA does not have final information on expenditures for that year(s). For example, when an LEA is budgeting for FY 2016–2017, the LEA knows that it took an exception under § 300.204 in FY 2015–2016 that will permissibly lower the amount the LEA was otherwise required to spend for the education of children with disabilities in FY 2015–2016 when compared to FY 2014–2015 (the most recent fiscal year for which the LEA has information). The LEA may also reasonably anticipate that it will take an exception under § 300.204 in FY

2016–2017, the budget year. We agree with the commenters that the eligibility standard should permit LEAs to take into consideration the exceptions and adjustment in the intervening fiscal year(s) and the budget year. Table 9 provides an example of how an LEA may consider the exceptions and adjustment in §§ 300.204 and 300.205 when budgeting for the expenditures for the education of children with disabilities.

TABLE 9—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD USING EXCEPTIONS AND ADJUSTMENT IN §§ 300.204 AND 300.205, 2016–2017

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
Actual 2014–2015 expenditures.	*$500	*$1,000	*$50	*$100	10	The LEA met the compliance standard using all 4 methods.*
Exceptions and adjustment taken in 2015–2016.	−50	−50	−5	−5		LEA uses the child count number from the comparison year (2014–2015).
Exceptions and adjustment the LEA reasonably expects to take in 2016–2017.	−25	−25	−2.50	−2.50		LEA uses the child count number from the comparison year (2014–2015).
How much must the LEA budget to meet the eligibility standard in 2016–2017?	425	925	42.50	92.50		When the LEA submits a budget for 2016–2017, the most recent fiscal year for which the LEA has information is 2014–2015. However, if the LEA has information on exceptions and adjustment taken in 2015–2016, the LEA may use that information when budgeting for 2016–2017. The LEA may also use information that it has on any exceptions and adjustment it reasonably expects to take in 2016–2017 when budgeting for that year.

However, we caution that, when taking into consideration the exceptions and adjustment that the LEA took in the intervening fiscal year(s) for the purpose of meeting the eligibility standard in the budget year, the LEA does so without having final information on its expenditures for the education of children with disabilities in the intervening fiscal year(s). That intervening fiscal year will be the comparison year (subject to the Subsequent Years rule) for the purpose of meeting the compliance standard in the budget year. Accordingly, LEAs should also take into consideration information related to increased expenditures for the education of children with disabilities in the intervening fiscal year(s) that would affect the amount the LEA must spend in the budget year in order to meet the compliance standard in the budget year. Otherwise, the LEA may budget less for the education of children with disabilities than it will need to expend in order to meet the compliance standard in that year.

Changes: We added new § 300.203(a)(2), which permits an LEA to take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§ 300.204 and 300.205 that the LEA: (i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and (ii) reasonably expects to take in the fiscal year for which the LEA is budgeting.

SEA Review

Comment: A few commenters objected to the language in the NPRM that ''States will need to carefully review LEA applications, and compare amounts budgeted to amounts expended in prior years.'' These commenters stated that section 613(a) of the IDEA (20 U.S.C. 1413(a)) requires only assurances in an LEA's application to the State, rather than information that demonstrates its compliance with the MOE requirement, and that the requirement that an LEA have on file with the SEA information to demonstrate that the eligibility requirement has been met was intentionally removed from the IDEA Part B regulations after the 2004 reauthorization of the IDEA. Moreover, these commenters stated that requiring LEAs to submit a budget as part of the eligibility process imposes undue burden on SEAs and LEAs, creating additional paperwork and requiring more staff to provide oversight. One commenter stated that the Department

must clarify whether a State must receive a detailed special education budget from each LEA outlining how the LEA has taken the exceptions and adjustment in §§ 300.204 and 300.205 or whether the State must receive an overall budgeted amount from the LEA for the education of children with disabilities for the upcoming fiscal year.

Discussion: The requirement that, in order to find an LEA eligible for an IDEA Part B subgrant award for a fiscal year, an SEA must determine that the LEA has budgeted sufficient funds to meet the MOE eligibility standard is a regulatory requirement that has been in effect since 1999 and was not removed from the 2006 IDEA Part B regulations implementing the 2004 amendments to the IDEA. In 2006, the Department did remove the requirement that an LEA have information on file with the SEA to demonstrate that the LEA actually met the MOE compliance standard. That regulatory change was based on the statutory change to section 613(a) made by the 2004 IDEA Amendments to require LEAs to provide assurances, rather than information demonstrating, that the LEA meets each of the conditions in section 613(a) of the IDEA. However, in § 300.203(b)(1) of the 2006 IDEA Part B regulations, the Department maintained the regulatory requirement that the SEA determine whether the LEA has met the MOE eligibility standard (*i.e.,* has budgeted sufficient funds for the education of children with disabilities). The Department continues to believe that the MOE eligibility standard is necessary because an LEA that has met the eligibility standard for a fiscal year is more likely to meet the MOE compliance standard for that same fiscal year.

We do not believe that this requirement imposes an undue burden on SEAs or LEAs. Some SEAs already use the IDEA Part B subgrant application process to collect compliance data on MOE, and the Department has learned through fiscal monitoring that most SEAs already require LEAs to submit budget information and are not relying on an assurance to determine whether an LEA has budgeted sufficient funds. In addition, the SEA has the discretion to determine the type and amount of information that it must review in order to be able to determine that the LEA has budgeted sufficient funds to meet the MOE eligibility standard. It is not necessary for the SEA to review a detailed budget, so long as the SEA has sufficient information to determine if the LEA meets the eligibility standard. For example, these regulations do not require LEAs to submit budgets broken down by object codes or line items. The Department intends to issue guidance following the publication of these regulations and will include information regarding the eligibility standard.

Changes: None.

Comment: A commenter urged the Department to clarify that, when reviewing an LEA's application for an IDEA Part B subgrant, an SEA may rely on information on expenditures for the most recent fiscal year for which information is available at the time the LEA submits its application, rather than requiring the SEA to review information on expenditures for a more recent fiscal year than the one for which the LEA submits information to the SEA during the review of the LEA's application.

Discussion: The Department understands that, in some States, because of the timing of their fiscal years or for other State- or LEA-specific reasons, after an LEA submits its application for an IDEA Part B subgrant, the LEA submits information on expenditures for a more recent fiscal year than the one for which it provided information in its application. SEAs need not make multiple determinations of an LEA's eligibility for an IDEA Part B subgrant for a given fiscal year. However, the SEA must use, as a comparison year for the purpose of determining an LEA's eligibility, the most recent fiscal year for which the LEA has information. Accordingly, if, before the SEA determines the LEA's eligibility for a given fiscal year, the LEA submits to the SEA information on expenditures for a more recent fiscal year, the SEA must use that information in determining the LEA's eligibility.

Changes: None.

Comment: A commenter noted that budget data submitted with an LEA's application for an IDEA Part B subgrant are often preliminary, and that, therefore, by the time the SEA determines eligibility for an IDEA Part B subgrant, the LEA's budget may have changed.

Discussion: We recognize that, at the time some LEAs submit their applications to the SEA for an IDEA Part B subgrant, their budgets may be preliminary. The SEA has the discretion to determine, based on the patterns and practices of its LEAs, whether an LEA submitted reasonable budget data with its application. If, before it determines an LEA's eligibility for an IDEA Part B subgrant, an SEA finds that the budget data have changed substantially, we expect the SEA would require the LEA to update its application.

Changes: None.

Comment: One commenter asked if an LEA must submit budget amendments to the SEA if its expenditures change during the year.

Discussion: No. Once an SEA has determined an LEA's eligibility for an IDEA Part B subgrant, the LEA does not need to provide amendments that reflect changes in expenditures in order to remain eligible for that year.

Changes: None.

Comment: One commenter asked whether an LEA must describe in its IDEA Part B subgrant application the method it will use to meet the MOE eligibility standard.

Discussion: Although these regulations do not require an LEA to describe in its application the method that it will use to meet the MOE eligibility standard, an SEA may require this information, and the LEA is not prohibited from providing that information in its application. The SEA must be able to determine that the LEA meets the eligibility standard using at least one of the four permissible methods. As stated above, regardless of which method it uses to meet the MOE eligibility standard, the LEA may use a different method to meet the eligibility standard in a subsequent fiscal year.

Changes: None.

Comment: A commenter stated that the proposed regulations created a new requirement for auditors to compare the amounts budgeted to meet the MOE eligibility standard in a given fiscal year to the amounts spent in the comparison year to meet the MOE compliance standard. This commenter expressed concern that anticipated budget amounts might not align with prior expenditures.

Discussion: Neither the proposed nor the final regulations create a new audit standard. The eligibility standard has always required a comparison of amounts budgeted in a given fiscal year to amounts expended in the comparison year.

Changes: None.

Ineligibility

Comment: A few commenters requested clarification on the consequence of not meeting the MOE eligibility standard. One commenter asked if an SEA would be required to find an LEA ineligible for its IDEA Part B subgrant if the proposed LEA budget does not meet the MOE eligibility standard. Another commenter asked for clarification on what happens to the IDEA Part B funds that are not awarded to an LEA.

Discussion: If an SEA determines that an LEA does not meet the MOE eligibility standard using any of the four methods in final § 300.203(a) (proposed § 300.203(b)), the SEA must provide notice that the LEA is not eligible for an IDEA Part B subgrant, as required by § 300.221(a). The SEA must also provide the LEA with reasonable notice and an opportunity for a hearing, pursuant to § 300.221(b). If the SEA determines that the LEA is not eligible to receive a Part B subgrant for that fiscal year, the SEA retains the amount of Part B funds that the LEA would have received. 34 CFR 300.227(a)(1). The SEA would then be required to provide special education and related services directly to children with disabilities residing in the area served by that LEA. 34 CFR 300.227(a)(1).

Changes: None.

Comment: None.

Discussion: Current § 300.203(b)(3) provides that SEAs and LEAs may not consider any expenditures made from funds provided by the Federal government for which the SEA and LEA are required to account to the Federal government in determining an LEA's compliance with current § 300.203(a). While the proposed regulations included this requirement in the compliance standard in proposed § 300.203(a)(3), the proposed regulations did not include this requirement in the eligibility standard. This was an oversight. To ensure that this requirement applies to both the eligibility and compliance standards, we added § 300.203(a)(3).

Changes: We added new § 300.203(a)(3) to require that expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the eligibility standard in § 300.203(a)(1).

Failure To Maintain Effort and Consequence, § 300.203(d)

Legal Authority

Comment: One commenter stated that proposed § 300.203(d) is based on a misreading of section 452 of GEPA (20 U.S.C. 1234a). The commenter stated that it is the responsibility of the LEA, rather than the SEA, to return any funds. Another commenter asked if an SEA has the right to seek recovery of funds from the LEA and requested that this right be included in the final regulation.

Discussion: The liability of the SEA in a recovery action if an LEA fails to meet the compliance standard is not new. The SEA is responsible for ensuring that LEAs receiving an IDEA Part B subgrant comply with all applicable requirements of that statute and its implementing regulations, including the MOE requirement. If an LEA fails to meet the MOE requirement in a particular fiscal year, the Department has authority to take steps to recover the appropriate amount of funds from the SEA.

Section 452(a)(1) of GEPA (20 U.S.C. 1234a(a)(1)) provides that the Department may recover funds if a grantee has made an unallowable expenditure of funds or has otherwise failed to discharge its obligation to account properly for funds under the grant. Under IDEA Part B, it is the State (operating through the SEA), and not the LEA, that is the Department's grantee. As such, the authority granted to the Department pursuant to GEPA specifically authorizes recovery of funds from the SEA. Section 453(a)(1) of GEPA (20 U.S.C. 1234b(a)(1)) provides that the measure of recovery in such a circumstance is an amount that is proportionate to the extent of the harm that the violation caused to an identifiable Federal interest associated with the program under which the recipient received the award. An identifiable Federal interest includes, but is not limited to, compliance with expenditure requirements and conditions, such as maintenance of effort. Section 453(a)(2) of GEPA (20 U.S.C. 1234b(a)(2)). Accordingly, when an SEA fails to ensure that an LEA has met the compliance standard in final § 300.203(b), the SEA, not the LEA, is liable in a recovery action under these provisions for the amount by which the LEA failed to maintain its level of expenditures, or the amount of the LEA's Part B IDEA subgrant, whichever is lower.

The SEA, in turn, following applicable State procedures, could seek reimbursement from the LEA. See July 26, 2006, letter to Ms. Carol Ann Baglin, available at *http://www2.ed.gov/policy/speced/guid/idea/letters/2006-3/baglin072606moe3q2006.pdf.* The Department has not included a provision permitting SEAs to seek reimbursement from LEAs because that is a matter of State law.

Changes: None.

Burden on SEAs

Comment: Some commenters objected to proposed § 300.203(d) and stated that the consequence for a failure to meet the MOE compliance standard should fall on the LEA and not the SEA. These commenters stated that while an SEA is able, through its oversight responsibilities, to identify that an LEA has failed to meet its MOE obligation, SEAs have no control over local budgets, and not all States have the fiscal resources to provide State funds to help an LEA meet its MOE obligation. Some commenters stated that if an LEA fails to maintain effort and is not able to pay back funds to the SEA, the SEA will be required to absorb the financial loss and has no recourse because Federal funding cannot be reduced or withheld from the LEA.

Discussion: The Department appreciates the concern of some commenters that SEAs should not be liable in a recovery action to return non-Federal funds because of an LEA's failure to meet the MOE compliance standard. However, as noted in the *Legal Authority* section of the *Analysis of Comments and Changes,* the SEA (acting on behalf of the State), not the LEA, is the grantee in the IDEA Part B program. As a condition of eligibility for an IDEA Part B grant, States must provide an assurance to the Department that the SEA is responsible for ensuring that, among other things, all requirements of Part B are met. Section 612(a)(11)(A)(i) of the IDEA (20 U.S.C. 1412(a)(11)(A)(i)). SEAs can minimize LEA noncompliance by carefully reviewing an LEA's application for an IDEA Part B subgrant to determine if the LEA meets the MOE eligibility standard, by monitoring for compliance on a regular basis, and by providing technical assistance to LEAs. SEAs that find an LEA is failing to comply with the MOE requirement may take further enforcement action as provided in § 300.222.

With respect to the concern raised by some commenters that some SEAs may be unable to absorb the loss because they do not have sufficient State funds, or because the SEA may not withhold Federal funds to an LEA that has failed to meet the MOE compliance standard, we remind States that they may seek reimbursement of these amounts from the LEA, to the extent permitted under State law. Whether a State seeks recovery from an LEA is at the discretion of the State.

Changes: None.

Comment: Some commenters stated that SEAs will be required to spend additional administrative time collecting funds, accounting for the collection in their financial systems, and returning funds to the Department. One of these commenters requested clarification about the timeframe within

which funds must be returned to the Department and the process for returning funds (such as what identifying information to include on the check, where to send it, and what supporting documentation to include).

Discussion: There should be no additional burden on, or expense to, an SEA as a result of codifying the Department's long-standing practice, which is consistent with GEPA, into final § 300.203(d). We added this provision to the final regulations not because this is a change in law, but because the Department believes that some SEAs and LEAs were not aware of the consequence of an LEA's failure to meet the MOE compliance standard. We acknowledge that those SEAs that were not aware of this requirement may need additional time to set up a process for returning funds to the Department and taking any associated actions against an LEA that the SEA wishes to take. However, this is a long-standing requirement, and therefore, we expect that SEAs already have a process in place. The Department believes that enforcement of the MOE requirement is critical to ensuring compliance.

The Department intends to provide guidance on the process for returning funds but does not believe it is appropriate or necessary to include administrative details in these regulations.

Changes: None.

Calculating Penalties

Comment: A few commenters requested clarification of the definition of the ''amount equal to the amount by which the LEA failed to maintain its level of expenditures'' in proposed § 300.203(d). One commenter asked how to determine the amount of the penalty if an LEA failed to meet the MOE compliance standard. The commenter asked whether the SEA should determine the amount of the failure to be the lesser amount generated by the four methods (after accounting for the allowed exceptions and adjustment).

Discussion: The ''amount equal to the amount by which an LEA failed to maintain its level of expenditures'' is determined by calculating the amount by which the LEA failed to meet the MOE compliance standard. Before determining the amount of the failure, the SEA must permit the LEA to use any one of the four methods and to take the exceptions and the adjustment in §§ 300.204 and 300.205, where permissible. The amount of the failure, therefore, would be the smallest amount generated by the four methods (after accounting for the allowed exceptions and adjustment).

Changes: None.

Comment: A commenter asked if the amount by which an LEA failed to meet the compliance standard could exceed the amount of the LEA's IDEA Part B subgrant received in the year of the failure.

Discussion: While it is possible that the amount of a failure to meet the compliance standard may exceed the amount of the LEA's IDEA Part B subgrant for the fiscal year in question, the SEA's liability to the Department cannot. This is because, as discussed earlier, section 453(a)(1) of GEPA (20 U.S.C. 1234b(a)(1)) provides that the measure of recovery in such a circumstance is proportionate to the extent of the harm that the violation caused to an identifiable Federal interest associated with the program under which the recipient received the award. Under this circumstance, the Federal interest associated with the IDEA Part B program is limited to the amount of the LEA's IDEA Part B subgrant (the total amount of the LEA's subgrants under sections 611 and 619 of the IDEA).

Table 10 provides examples of how to calculate the amount by which an LEA failed to maintain its level of expenditures and of the amount of non-Federal funds that an SEA must return to the Department on account of that failure.

TABLE 10—EXAMPLE OF HOW TO CALCULATE THE AMOUNT OF AN LEA'S FAILURE TO MEET THE COMPLIANCE STANDARD IN 2016–2017 AND THE AMOUNT THAT AN SEA MUST RETURN TO THE DEPARTMENT

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Amount of IDEA Part B subgrant
2015–2016	*$500	*$950	$50*	$95*		Not relevant.
2016–2017	400	750	$40	$75	10	$50.
Amount by which an LEA failed to maintain its level of expenditures in 2016–2017.	100	200	$100 (the amount of the failure equals the amount of the per capita shortfall ($10) times the number of children with disabilities in 2016–2017 (10)).	$200 (the amount of the failure equals the amount of the per capita shortfall ($20) times the number of children with disabilities in 2016–2017 (10)).		

The SEA determines that the amount of the LEA's failure is $100 using the calculation method that results in the lowest amount of a failure. The SEA's liability is the lesser of the four calculated shortfalls and the amount of the LEA's Part B subgrant in the fiscal year in which the LEA failed to meet the compliance standard. In this case, the SEA must return $50 to the Department because the LEA's IDEA Part B subgrant was $50, and that is the lower amount.

*LEA met MOE using this method.

Changes: We added language in § 300.203(d) to clarify that, if an LEA fails to maintain its level of expenditures for the education of children with disabilities, the SEA is liable in a recovery action for the amount by which the LEA failed to maintain its level of expenditures in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower.

Comment: A commenter suggested that the phrase ''up to the amount of IDEA funds spent in that year'' be added to the end of proposed § 300.203(d) because section 613(a)(2)(A)(iii) of the IDEA (20 U.S.C. 1413(a)(2)(A)(iii)) states that an LEA shall not use these funds to reduce its level of expenditures for the education of children with disabilities below the level of those expenditures for the preceding fiscal year; therefore, the penalty should be no more than the IDEA Part B funds that the LEA spent in a particular fiscal year.

Discussion: The Department disagrees with the commenter who recommended that § 300.203(d) be changed to limit the amount of the penalty to the amount of

IDEA Part B funds actually spent by the LEA in the fiscal year in which the LEA failed to meet the compliance standard. Once an LEA accepts an IDEA Part B subgrant, the LEA is required to meet the compliance standard in § 300.203(b), and the amount of IDEA Part B funds spent by the LEA in that fiscal year is not relevant to the calculation of the MOE penalty.

Changes: None.

Comment: Many commenters requested that proposed § 300.203(d) incorporate language from the July 26, 2006, letter to Baglin, which stated, ''Faced with a history of noncompliance with the MOE requirement, however, the SEA would need to carefully determine whether the LEA will meet the MOE requirement in the coming year (in which case a grant should be made), or whether the SEA should begin an administrative withholding action [consistent with section 613(c) and (d) of the IDEA] because it is not convinced that the LEA will meet the MOE requirement for the new year.'' The commenters stated that this language would underscore the importance of SEA monitoring and oversight to ensure implementation and compliance with the MOE requirement. Another commenter suggested that the Department add a specific consequence for LEAs that fail to comply with MOE for more than one fiscal year.

Discussion: The Department agrees that SEAs have a responsibility to ensure that LEAs meet the MOE eligibility and compliance standards. However, §§ 300.221 and 300.222 address what procedures the SEA must follow if the SEA determines that the LEA is not eligible or that an eligible LEA is failing to comply with the MOE requirement, and it is not necessary to duplicate those provisions in § 300.203(d). We believe that § 300.203(d) provides an appropriate consequence for MOE failures that occur in more than one fiscal year, because the penalty in § 300.203(d) applies in each fiscal year in which the LEA fails to maintain effort. Therefore, it is not necessary to add an additional consequence for such LEAs.

Changes: None.

Comment: Some commenters stated that LEAs should not be penalized for MOE violations in the absence of evidence that the LEA has failed to make FAPE available. Another commenter questioned the effectiveness of the consequence for MOE violations. Specifically, the commenter asked what evidence demonstrates that repayment of Federal funds by an LEA leads to increased compliance with the IDEA or a greater ability to maintain effort in future years. In addition, the commenter questioned whether losing access to Federal dollars will be an incentive for LEAs to use sound financial practices that are fair to all the students they serve and to be better positioned to provide FAPE in the least restrictive environment for children with disabilities.

Discussion: The Department appreciates, but disagrees with, these comments. LEAs that receive an IDEA Part B subgrant must meet both the FAPE obligation and the MOE requirement separately; the two provisions are not contingent on each other. Regarding the comment questioning the effectiveness of the consequence for failure to maintain effort, the Department notes that the requirement to return funds based on an LEA's failure to maintain effort is a statutory requirement. Consistent with sections 452(a)(1) and (a)(2) and 453(a)(1) of GEPA (20 U.S.C. 1234a(a)(1) and (a)(2) and 1234b(a)(1)) and long-standing Department practice, an SEA is liable in a recovery action to pay the Department, from non-Federal funds or funds for which accountability to the Federal government is not required, the difference between the amount of local, or State and local, funds the LEA should have expended and the amount that it actually did expend. Section 453(a)(1) of GEPA (20 U.S.C. 1234b(a)(1)) provides that the measure of recovery in such a circumstance is an amount that is proportionate to the extent of the harm that the violation caused to an identifiable Federal interest associated with the program under which the recipient received the award. An identifiable Federal interest includes, but is not limited to, compliance with expenditure requirements and conditions, such as maintenance of effort. Section 453(a)(2) of GEPA (20 U.S.C. 1234b(a)(2)). Because the SEA in such a recovery action is required to return non-Federal funds, and not Federal funds, the SEA and LEA are not losing access to Federal IDEA Part B funds. *See* 2 CFR 200.441.

Changes: None.

Miscellaneous Comments

Comment: A few commenters stated that, because the Department acknowledged that MOE violations have not been extensive, a more restrained regulatory approach is justified.

Discussion: We disagree. In determining whether there was a need to revise the MOE regulations, OSEP found that at least 40 percent of States have policies and procedures that are not consistent with the MOE requirement. For example, many States have not permitted LEAs to use all four methods to meet the eligibility or compliance standard. Another State did not allow LEAs to include local funds spent for the education of children with disabilities in its MOE calculations if the LEA was also required to spend those funds to meet a Medicaid matching requirement. These actions restrict the ability of LEAs to meet the MOE requirement and may result in a finding of noncompliance by LEAs where none exists. Moreover, the Department learned through fiscal monitoring that some States, prior to awarding IDEA Part B subgrants, were not requiring LEAs to demonstrate that they met the MOE eligibility standard. In addition, as we stated in the NPRM, some States identified noncompliance by LEAs with the MOE requirement and returned non-Federal funds to the United States Treasury in the amount of that failure but did not inform the Department of the failures, indicating that the number of failures to comply with the MOE requirement may be undercounted. Moreover, the Department learned, through its review of comments received in response to the NPRM, that some States were not aware that, if an LEA failed to meet the MOE compliance standard, the SEA was liable in a recovery action to return non-Federal funds to the Department in the amount of the failure. Accordingly, the Department does not believe that the lack of documentation of widespread MOE noncompliance necessarily leads to the conclusion that States and LEAs understand and comply with the MOE requirement.

Changes: None.

Comment: Many commenters supported the proposed changes to the MOE regulations because the changes would provide necessary clarification. Other commenters stated that the proposed regulations did not clarify the MOE requirement. A few commenters stated that the MOE requirement should be imposed only after the Department and Congress make an effort to compensate school districts for the 40 percent of special education costs that the commenters say the States were promised when the IDEA was enacted.

Discussion: We believe that the final regulations and the tables provided here clarify the MOE requirement. We disagree with the view expressed by commenters that the Department should not issue and enforce MOE regulations until the maximum amount of the grant a State receives is 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States. The Department has no legal authority to condition

compliance with the MOE requirement on Congress's providing a particular level of appropriations. The IDEA requires that amounts provided to LEAs shall not be used, except as allowed by the exceptions and adjustment in §§ 300.204 and 300.205, to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

The Department believes that the MOE regulations provide necessary clarification on, and therefore will increase understanding by States and LEAs of, the MOE requirement, including: The Subsequent Years rule, the eligibility and compliance standards, the four methods available to LEAs to meet the eligibility and compliance standards, and the existing exceptions and adjustment in §§ 300.204 and 300.205. The Department also believes that the MOE requirement is consistent with, and promotes, the requirement that LEAs make FAPE available to all eligible children with disabilities.

Changes: None.

Comment: Several commenters objected generally to the MOE requirement and raised a variety of concerns, including that the proposed regulations encourage fraud, waste, and abuse because they encourage LEAs to spend funds to meet the MOE requirement rather than to ensure that children with disabilities receive FAPE. Other commenters stated a concern that LEAs will submit budgets that have inflated or non-existent costs simply to demonstrate eligibility for an IDEA Part B subgrant. A few commenters also stated that the proposed regulations create a disincentive for LEAs that wish to increase their expenditures for the education of children with disabilities for one-time, high-cost initiatives, because the district would be forced to continue spending the same amount of funds in future years after the initiative is completed.

Discussion: We do not believe that the regulations encourage fraud, waste, and abuse because they encourage LEAs to spend funds to meet the MOE requirement rather than to ensure that children with disabilities receive FAPE. State and local funds spent on the education of children with disabilities meet both the requirement to maintain effort and the requirement to make FAPE available to children with disabilities.

With respect to the comment that the MOE regulations create a disincentive for LEAs that wish to implement temporary initiatives for the education of children with disabilities because doing so will increase the LEA's required level of effort in future years, section 613(a)(2)(B) of the IDEA and its implementing regulations in § 300.204 include five exceptions that permit an LEA to reduce its required level of expenditures. We believe these exceptions, such as the termination of costly expenditures for long-term purchases, and the adjustment in § 300.205 provide LEAs sufficient flexibility to adjust their required level of effort based on changed circumstances.

Changes: None.

Comment: Some commenters stated that the MOE regulations do not take into account the variety of fiscal systems in States and LEAs. The commenters expressed concern over the many State-specific issues that need to be independently addressed by OSEP or that fall outside the scope of the proposed regulation.

Discussion: We believe that the regulations provide sufficient direction to States and LEAs regardless of their fiscal systems. State-specific issues will be addressed by OSEP as needed. In addition, the Department intends to issue guidance on the MOE requirement and will continue to provide technical assistance to States to address State-specific concerns, including those related to the specifics of financial systems. One source of technical assistance will be the new Center for IDEA Fiscal Reporting that OSEP awarded under the FY 2014 competition CFDA 84.373F. OSEP awarded the grant to WestEd. The Center for IDEA Fiscal Reporting can be found at *http://cifr.wested.org/.* This center will improve the capacity of State staff to collect and report accurate fiscal data to meet the data collection requirements related to LEA MOE Reduction and Coordinated Early Intervening Services (CEIS) and State Maintenance of Financial Support (State MFS); and increase States' knowledge of the underlying fiscal requirements and the calculations necessary to submit valid and reliable data on LEA MOE/CEIS and State MFS.

Changes: None.

Comment: One commenter asked whether the requirement regarding CEIS will be affected by the proposed regulations.

Discussion: The provisions regarding CEIS in §§ 300.205(d) and 300.226 are not affected by these regulations.

Changes: None.

Comment: A few commenters recommended that the Department issue additional guidance to accompany the final regulations. Suggestions included: A detailed checklist of what needs to be accounted for in LEAs' budgets, a chart that lays out how to meet the MOE requirement, and examples that use specific numbers.

Discussion: We appreciate the commenters' suggestions for additional guidance. This *Analysis of Comments and Changes* includes several tables to assist States and LEAs. These tables also have been included in new Appendix E to the regulations. In addition, the Department intends to issue guidance on the MOE requirement.

Changes: We have redesignated current Appendix E as new Appendix F. We have added new Appendix E to include Tables 1 through 10, which are included in the *Analysis of Comments and Changes.* This appendix will be published in the *Code of Federal Regulations.*

Executive Orders 12866 and 13563

Regulatory Impact Analysis

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

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

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

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

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

This final regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

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

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

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

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

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

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

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

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

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

Potential Costs and Benefits

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. In conducting this analysis, the Department examined the extent to which the changes made by these proposed regulations would add to or reduce the costs to States, LEAs, and others, as compared to the costs of implementing the current Part B program regulations. Based on the following analysis, the Secretary has concluded that the changes could result in reduced costs for States and LEAs to the extent that increased understanding of the MOE requirement and use of all four methods to demonstrate that LEAs met MOE would result in States making fewer repayments to the Department and seeking fewer recoveries from LEAs. However, there is also the potential for additional costs for States and LEAs to the extent that LEAs are required to increase expenditures in the year following a failure to meet the MOE provisions under Part B of the Act or if a State or LEA incorrectly calculated MOE in a preceding year. The Secretary believes that the benefits of ensuring that adequate resources are available to provide FAPE for children with disabilities are likely to outweigh any costs to LEAs that violated the MOE requirement in the preceding year and do not plan to restore funding in the subsequent year to the level they should have maintained in the preceding year.

Section 300.203

The effect of the final regulations on LEAs will depend on: (1) The degree of understanding by States and LEAs about the eligibility and compliance standards and the ability that the LEAs have to meet one of four methods; and (2) the likelihood that LEAs would violate the MOE requirement in any given year and seek to maintain funding at the reduced level in subsequent years. One possible source of information that could be used to estimate the effect of the final regulations on LEAs is data on previous findings of LEA violations. However, as described in the *Analysis of Comments and Changes* section, the Department has limited information on LEA violations. States are responsible for monitoring LEA compliance with the MOE requirement and resolving any audit findings in this area, but States are not required to report the number of LEAs that violated the MOE requirement, the basis of the violations, or the amount of funding involved.

Other sources of information on the likely effects of the final regulations are audit reports and OSEP's fiscal monitoring of States' implementation of the current regulations. OSEP's fiscal monitoring, in conjunction with the Department's Office of Inspector General's (OIG) audit findings and reports, have identified a number of problems with State administration of the MOE requirement under the current regulations, suggesting that there is confusion about the MOE requirement and a lack of clarity in the existing regulations. Specifically, OSEP has found that at least 40 percent of States have policies and procedures that are not consistent with how States should determine eligibility for, or compliance with, the MOE requirement. Most notably, it appears that some States have not allowed LEAs to use all four methods to demonstrate that they have met the MOE requirement for purposes of eligibility or compliance determinations, including the method that allows the LEA to demonstrate that it met the MOE requirement on the basis of local funds only. There is also some indication that States may have used an incorrect comparison year when LEAs made a local-to-local comparison.

In years in which States did not allow the LEAs to use all four methods to demonstrate they met MOE, it is possible that LEAs budgeted for, and expended, more than they would have if both States and LEAs had understood that they had flexibility to use any of the four methods. In these instances, the clarification made in the final regulations will result in a reduction in future expenditures on the part of LEAs. Additionally, in instances in which States did not appropriately allow the LEAs to use any of the four methods in meeting MOE, the State may have sought to recover funds from LEAs or made unnecessary repayments to the Department. Clarifying that all four methods may be used for MOE determinations should result in States making fewer repayments to the Department and seeking fewer recoveries from LEAs.

Alternatively, in those cases in which States may be allowing LEAs to use an incorrect comparison year when using the local funds only method, clarifying the comparison year may result in increased expenditures by LEAs. For example, in its May 20, 2013 Alert Memorandum, the OIG raised concerns about the comparison years used by the State of California in determining MOE compliance. According to that memorandum, the State used an incorrect comparison year when determining that two LEAs met the MOE requirement using local funds only method. Specifically, California allowed the LEAs that had never relied on local funds only to meet the MOE requirement to use a comparison year from three years earlier, instead of requiring a comparison of expenditures made with local funds only to the preceding fiscal year. In this case, the clarification made by the final regulations will require increased LEA expenditures. We do not know the extent to which the use by States and LEAs of incorrect comparison years has permitted lower expenditures than

would be required under the final regulations, or, alternatively, the extent to which using the incorrect comparison year has resulted in higher expenditures. However, in general, the findings made during fiscal monitoring demonstrating that States are providing less flexibility to LEAs than is allowable under the law suggest that the clarifications included in these regulations would reduce costs for both LEAs and States.

The regulations also specifically address the level of expenditures required by an LEA in the fiscal years following a fiscal year in which an LEA violated the MOE requirement. Specifically, the final regulations clarify that, in a fiscal year following a fiscal year in which the LEA failed to meet MOE, the required level of expenditures is the level of expenditures in the last fiscal year in which the LEA met the MOE requirement, not the reduced level of expenditures in the preceding fiscal year (the Subsequent Years rule).

We believe that this clarification in the regulations will improve State administration of the program, and that it is consistent with the IDEA and in the best interest of children with disabilities. We do not expect this change to have a significant impact on LEA expenditures in the near term based on available data concerning the extent of LEA violations and the likelihood of future violations. However, this change would eliminate the risk, under the current regulations, that State policy could permit LEAs that reduce spending in violation of the MOE requirement to maintain the reduced level of expenditures in subsequent years.

The Department typically learns of an LEA violation in conjunction with its review of audit findings. In the relatively few instances in which the Department has issued program determination letters to States concerning audit findings about LEA failure to maintain the appropriate level of effort, most of the findings concerned the absence of an effective State system for monitoring MOE rather than specific MOE violations.

Since 2004, the only program determination letter that identified specific questioned costs for LEA failure to meet MOE involved Oklahoma. In December 2006, the Department issued a program determination letter to the Oklahoma SEA seeking recovery of $583,943.29 expended under IDEA Part B due to audit findings that 76 LEAs had not met their required level of effort for funds in Federal fiscal Year (FFY) 2003. In School Year (SY) 2009–2010, Oklahoma reported having 532 LEAs; accordingly, approximately 14 percent of the State's LEAs were affected by these audit findings. After reviewing additional materials provided by the State that supported the application of the MOE exceptions in § 300.204, the Department reduced the amount of its determination to $289,501.76. The final claim against Oklahoma was settled for $217,126.32.

We also searched the Federal Audit Clearinghouse for information about single audits of Federal awards conducted by States or private accounting firms of LEAs that expend $500,000 or more in a year in Federal award funds, as required by Office of Management and Budget (OMB) Circular A–133. The Federal Audit Clearinghouse is located at the following link: *www.census.gov/econ/overview/go1400.html.* We searched for audit findings in response to area ''G'' of the compliance supplement to OMB Circular A–133, which relates to ''Matching, Level of Effort, and Earmarking,'' for audits related to Code of Federal Domestic Assistance section 84.027 (funds awarded under section 611 of the IDEA). Single audits of Federal awards are not available for all LEAs through the Federal Audit Clearinghouse, but there is information on single audits for 9,024 LEAs for FY 2009, which represents approximately 60 percent of LEAs.

Our search identified 25 audits that contained findings related to section G of the compliance supplement, four of which were accompanied by audit reports that included questioned costs related to failure to achieve the required MOE. Only two of the four audits specified amounts of questioned costs, for $10,428 and $153,621.53, respectively. Although these findings do not necessarily represent all violations of the MOE requirement, both the small number and size of questioned costs related to failure to meet this requirement suggest that MOE violations are not extensive. Audit findings for fiscal years 2007, 2008, 2010, and 2011 (to the extent available) were generally consistent with the findings for 2009.

Another source of information for estimating the likelihood of future MOE violations are data on the extent to which LEAs have reduced expenditures pursuant to the new flexibility provided in the 2004 amendments to the IDEA. Pursuant to section 613(a)(2)(C) of the IDEA, for any fiscal year in which an LEA receives an allocation under section 611(f) that exceeds its allocation for the previous fiscal year, an LEA that otherwise meets the requirements of the IDEA may reduce the level of expenditures that are otherwise required to meet the MOE requirement by not more than 50 percent of the amount of the increased allocation. Since May 2011, States have been reporting the amount that each LEA received in an IDEA subgrant under section 611 or section 619, whether the State had determined that the LEA or educational service agency (ESA) had met the requirements of Part B of the IDEA, and whether each LEA or ESA had reduced its expenditures pursuant to § 300.205. Data are available at *http://tadnet.public.tadnet.org/pages/712* (Table 8 LEA-level files, revised 2/29/12, accessed 11/03/14).

The data we have collected to date include reductions taken in the year in which LEAs were most likely to make reductions because of the availability of an additional $11.3 billion for formula grant awards under the Grants to States program provided under the American Recovery and Reinvestment Act of 2009 (ARRA). Because these additional funds increased the annual allocation to most LEAs in FFY 2009 over FFY 2008, LEAs meeting conditions established by the State and the Department were permitted to reduce the level of support they would otherwise be required to provide during SY 2009–2010 by up to 50 percent of the amount of the increase.

Of the 14,936 LEAs that received allocations under section 611 in FFY 2008 and FFY 2009, States reported that 12,061 received increased allocations under section 611 and met other conditions so that they were eligible to reduce their level of effort. Notably, only 4,237 LEAs (or 36 percent) reported that they reduced their level of effort. If they met the conditions, LEAs were permitted to reduce effort by up to 50 percent of the increase in their allocation, but they typically reduced spending only by 38 percent.

Larger LEAs were more likely to reduce expenditures than LEAs in general. For the 100 largest LEAs, based on their FFY 2008 allocations under section 611, 31 of the 51 LEAs that were eligible to reduce expenditures actually did so, and these LEAs reduced expenditures by an average of 73 percent of the allowable amount.

Of the 4,237 LEAs that reported reducing expenditures, only 32 had been determined to have not met the requirements of IDEA Part B and may have violated the MOE requirement, unless one of the exceptions to the MOE requirement in § 300.204 were applicable. The combined amount of MOE reductions for these LEAs was $19,304,506, with a median reduction of $745. One of these LEAs reported a

reduction of $18,358,631, which represents 41 percent of the increase in that LEA's allocation from the previous year; but the reductions that were taken by the remaining LEAs were relatively small.

The combined amount by which eligible LEAs in the 50 States, the District of Columbia, and Puerto Rico could have reduced their level of effort in SY 2009–2010 was $5.6 billion, but the actual combined reduction was only 27 percent of that amount, or $1.5 billion. Because most LEAs did not reduce expenditures when they had an opportunity to do so, which would have led to an allowable reduction of their level of effort required in future years, it is reasonable to assume that a smaller number of LEAs would undertake reductions that constitute violations of the MOE requirement. We believe that it is highly unlikely that the 4,205 LEAs that met the requirement of section 613(a)(2)(C) of the IDEA and reduced their level of effort would seek further reductions that would violate the MOE requirement because they legitimately lowered their own required level of effort when they made those previous reductions.

Based on available audit findings and data, the Department believes that LEAs generally are unlikely to reduce expenditures in violation of the MOE requirement. Moreover, we believe that the requirement that LEAs make FAPE available to all eligible children with disabilities provides another critical protection against unwarranted reductions of expenditures to support education for children with disabilities. However, to ensure that State policy and administration of the MOE requirement are consistent with the Department's position on the required level of future expenditures in cases of LEA violations, we think that it is critical to change the regulations to clearly articulate the Department's interpretation of the law.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), we have assessed the potential information collections in these proposed regulations that would be subject to review by OMB (Report on IDEA Part B Maintenance of Effort Reduction (§ 300.205(a)) and Coordinated Early Intervening Services (§ 300.226)) (Information Collection 1820–0689). In conducting this analysis, the Department examined the extent to which the amended regulations would add information collection requirements for public agencies. Based on this analysis, the Secretary has concluded that these amendments to the Part B regulations would not impose additional information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

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

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

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

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(Catalog of Federal Domestic Assistance Number 84.181)

List of Subjects in 34 CFR Part 300

Administrative practice and procedure, Education of individuals with disabilities, Elementary and secondary education, Equal educational opportunity, Grant programs—education, Privacy, Private schools, Reporting and recordkeeping requirements.

Dated: April 9, 2015.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 300 of title 34 of the Code of Federal Regulations as follows:

PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

■ 1. The authority citation for part 300 is revised to read as follows:

Authority: 20 U.S.C. 1221e–3, 1406, 1411–1419, 3474, unless otherwise noted.

■ 2. Section 300.203 is revised to read as follows:

§ 300.203 Maintenance of effort.

(a) *Eligibility standard.* (1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§ 300.204 and 300.205 that the LEA:

(i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and

(ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the

Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.

(b) *Compliance standard.* (1) Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.

(c) *Subsequent years.* (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of § 300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.

(3) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.

(d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower. (Approved by the Office of Management and Budget under control number 1820–0600)

(Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113–76, 128 Stat. 5, 394 (2014), Pub. L. 113–235, 128 Stat. 2130, 2499 (2014))

§ 300.204 [Amended]

■ 3. Section 300.204 is amended by removing, from the introductory text, the citation ''§ 300.203(a)'' and adding, in its place, the citation ''§ 300.203(b)''.

§ 300.205 [Amended]

■ 4. Section 300.205 is amended by removing, from paragraph (a), both instances of the citation ''§ 300.203(a)'', and adding, in both places, the citation ''§ 300.203(b)''.

§ 300.208 [Amended]

■ 5. Section 300.208 is amended by removing, from paragraph (a), the citation ''300.203(a)'' and adding, in its place, the citation ''300.203(b)''.

Appendix E to Part 300 [Redesignated as Appendix F to Part 300]

■ 6. Appendix E to part 300 is redesignated as Appendix F to part 300.

■ 7. A new Appendix E is added to read as follows:

Appendix E To Part 300—Local Educational Agency Maintenance of Effort Calculation Examples

The following tables provide examples of calculating LEA MOE. Figures are in $10,000s. All references to a ''fiscal year'' in these tables refer to the fiscal year covering that school year, unless otherwise noted.

Tables 1 through 4 provide examples of how an LEA complies with the Subsequent Years rule. In Table 1, for example, an LEA spent $1 million in Fiscal Year (FY) 2012–2013 on the education of children with disabilities. In the following year, the LEA was required to spend at least $1 million but spent only $900,000. In FY 2014–2015, therefore, the LEA was required to spend $1 million, the amount it was required to spend in FY 2013–2014, not the $900,000 it actually spent.

TABLE 1—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING A YEAR IN WHICH LEA FAILED TO MEET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015		100	Required level of effort is $100 despite LEA's failure in 2013–2014.

Table 2 shows how to calculate the required amount of effort when there are consecutive fiscal years in which an LEA does not meet MOE.

TABLE 2—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING CONSECUTIVE YEARS IN WHICH LEA FAILED TO MEET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	90	100	LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014.
2015–2016		100	Required level of effort is $100 despite LEA's failure in 2013–2014 and 2014–2015.

Table 3 shows how to calculate the required level of effort in a fiscal year after the year in which an LEA spent more than the required amount on the education of children with disabilities. This LEA spent $1.1 million in FY 2015–2016 though only $1 million was required. The required level of effort in FY 2016–2017, therefore, is $1.1 million.

TABLE 3—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING YEAR IN WHICH LEA MET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	90	100	LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014.
2015–2016	110	100	LEA met MOE.
2016–2017		110	Required level of effort is $110 because LEA expended $110, and met MOE, in 2015–2016.

Table 4 shows the same calculation when, in an intervening fiscal year, 2016–2017, the LEA did not maintain effort.

TABLE 4—EXAMPLE OF LEVEL OF EFFORT REQUIRED TO MEET MOE COMPLIANCE STANDARD IN YEAR FOLLOWING YEAR IN WHICH LEA DID NOT MEET MOE COMPLIANCE STANDARD

Fiscal year	Actual level of effort	Required level of effort	Notes
2012–2013	$100	$100	LEA met MOE.
2013–2014	90	100	LEA did not meet MOE.
2014–2015	90	100	LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014.
2015–2016	110	100	LEA met MOE.
2016–2017	100	110	LEA did not meet MOE. Required level of effort is $110 because LEA expended $110, and met MOE, in 2015–2016.
2017–2018		110	Required level of effort is $110, despite LEA's failure in 2016–2017.

Table 5 provides an example of how an LEA may meet the compliance standard using alternate methods from year to year without using the exceptions or adjustment in §§ 300.204 and 300.205, and provides information on the following scenario. In FY 2015–2016, the LEA meets the compliance standard using all four methods. As a result, in order to demonstrate that it met the compliance standard using any one of the four methods in FY 2016–2017, the LEA must expend at least as much as it did in FY 2015–2016 using that same method. Because the LEA spent the same amount in FY 2016–2017 as it did in FY 2015–2016, calculated using a combination of State and local funds and a combination of State and local funds on a per capita basis, the LEA met the compliance standard using both of those methods in FY 2016–2017. However, the LEA did not meet the compliance standard in FY 2016–2017 using the other two methods—local funds only or local funds only on a per capita basis—because it did not spend at least the same amount in FY 2016–2017 as it did in FY 2015–2016 using the same methods.

TABLE 5—EXAMPLE OF HOW AN LEA MAY MEET THE COMPLIANCE STANDARD USING ALTERNATE METHODS FROM YEAR TO YEAR

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count
2015–2016	*$500	*$950	*$50	*$95	10
2016–2017	400	*950	40	*95	10

TABLE 5—EXAMPLE OF HOW AN LEA MAY MEET THE COMPLIANCE STANDARD USING ALTERNATE METHODS FROM YEAR TO YEAR—Continued

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count
2017–2018	*500	900	*50	90	10

*LEA met compliance standard using this method.

Table 6 provides an example of how an LEA may meet the compliance standard using alternate methods from year to year in years in which the LEA used the exceptions or adjustment in §§ 300.204 and 300.205, including using the per capita methods.

TABLE 6—EXAMPLE OF HOW AN LEA MAY MEET THE COMPLIANCE STANDARD USING ALTERNATE METHODS FROM YEAR TO YEAR AND USING EXCEPTIONS OR ADJUSTMENT UNDER §§ 300.204 AND 300.205

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count
2015– 2016	$500*	$950*	$50*	$95*	10
2016– 2017	400	950*	40	95*	10
2017–2018	450*	1,000*	45*	100*	10
	In 2017–2018, the LEA was required to spend at least the same amount in local funds only that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $500 in local funds only. In 2017–2018, the LEA properly reduced its expenditures, per an exception in § 300.204, by $50, and therefore, was required to spend at least $450 in local funds only ($500) from 2015–2016 per Subsequent Years rule − $50 allowable reduction per an exception under § 300.204).		In 2017–2018, the LEA was required to spend at least the same amount in local funds only on a per capita basis that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $50 in local funds only on a per capita basis. In 2017–2018, the LEA properly reduced its aggregate expenditures, per an exception in § 300.204, by $50. $50/10 children with disabilities in the comparison year (2015–2016) = $5 per capita allowable reduction per an exception under § 300.204. $50 local funds only on a per capita basis (from 2015–2016 per Subsequent Years rule) − $5 allowable reduction per an exception under § 300.204 = $45 local funds only on a per capita basis to meet MOE.		
2018–2019	405	1,000*	45*	111.11*	9
	In 2018–2019, the LEA was required to spend at least the same amount in local funds only that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $450 in local funds only. In 2018–2019, the LEA properly reduced its expenditures, per an exception in § 300.204 by $10 and the adjustment in § 300.205 by $10. Therefore, the LEA was required to spend at least $430 in local funds only. ($450 from 2017–2018 − $20 allowable reduction per an exception and the adjustment under §§ 300.204 and 300.205).	Because the LEA did not reduce its expenditures from the comparison year (2017–2018) using a combination of State and local funds, the LEA met MOE.	In 2018–2019, the LEA was required to spend at least the same amount in local funds only on a per capita basis that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§ 300.204 and 300.205, the LEA was required to spend at least $45 in local funds only on a per capita basis. In 2018–2019, the LEA properly reduced its aggregate expenditures, per an exception in § 300.204 by $10 and the adjustment in § 300.205 by $10. $20/10 children with disabilities in the comparison year (2017–2018) = $2 per capita allowable reduction per an exception and the adjustment under §§ 300.204 and 300.205. $45 local funds only on a per capita basis (from 2017–2018) − $2 allowable reduction per an exception and the adjustment under §§ 300.204 and 300.205 = $43 local funds only on a per capita basis required to meet MOE. Actual level of effort is $405/9 (the current year child count).	Because the LEA did not reduce its expenditures from the comparison year (2017–2018) using a combination of State and local funds on a per capita basis ($1,000/9 = $111.11 and $111.11 > $100), the LEA met MOE.	

*LEA met MOE using this method.

Note: When calculating any exception(s) and/or adjustment on a per capita basis for the purpose of determining the required level of effort, the LEA must use the child count from the comparison year, and not the child count of the year in which the LEA took the exception(s) and/or adjustment. When determining the actual level of effort on a per capita basis, the LEA must use the child count for the current year. For example, in 2018–2019, the LEA uses a child count of 9, not the child count of 10 in the comparison year, to determine the actual level of effort.

Tables 7 and 8 demonstrate how an LEA could meet the eligibility standard over a period of years using different methods from year to year. These tables assume that the LEA did not take any of the exceptions or adjustment in §§ 300.204 and 300.205. Numbers are in $10,000s budgeted and spent for the education of children with disabilities.

TABLE 7—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD IN 2016–2017 USING DIFFERENT METHODS

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
2014–2015	*$500	*$1,000	*$50	*$100	10	The LEA met the compliance standard using all 4 methods.*
2015–2016						Final information not available at time of budgeting for 2016–2017.
How much must the LEA budget for 2016–2017 to meet the eligibility standard in 2016–2017?	500	1,000	50	100		When the LEA submits a budget for 2016–2017, the most recent fiscal year for which the LEA has information is 2014–2015. It is not necessary for the LEA to consider information on expenditures for a fiscal year prior to 2014–2015 because the LEA maintained effort in 2014–2015. Therefore, the Subsequent Years rule in § 300.203(c) is not applicable.

*The LEA met the compliance standard using all 4 methods.

TABLE 8—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD IN 2017–2018 USING DIFFERENT METHODS AND THE APPLICATION OF THE SUBSEQUENT YEARS RULE

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
2014–2015	*$500	*$1,000	*$50	*$100	10	
2015–2016	450	*1,000	45	*100	10	
2016–2017						Final information not available at time of budgeting for 2017–2018.
How much must the LEA budget for 2017–2018 to meet the eligibility standard in 2017–2018?	500	1,000	50	100		If the LEA seeks to use a combination of State and local funds, or a combination of State and local funds on a per capita basis, to meet the eligibility standard, the LEA does not consider information on expenditures for a fiscal year prior to 2015–2016 because the LEA maintained effort in 2015–2016 using those methods. However, if the LEA seeks to use local funds only, or local funds only on a per capita basis, to meet the eligibility standard, the LEA must use information on expenditures for a fiscal year prior to 2015–2016 because the LEA did not maintain effort in 2015–2016 using either of those methods, per the Subsequent Years rule. That is, the LEA must determine what it should have spent in 2015–2016 using either of those methods, and that is the amount that the LEA must budget in 2017–2018.

*LEA met MOE using this method.

Table 9 provides an example of how an LEA may consider the exceptions and adjustment in §§ 300.204 and 300.205 when budgeting for the expenditures for the education of children with disabilities.

TABLE 9—EXAMPLE OF HOW AN LEA MAY MEET THE ELIGIBILITY STANDARD USING EXCEPTIONS AND ADJUSTMENT IN §§ 300.204 AND 300.205, 2016–2017

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Notes
Actual 2014–2015 expenditures.	*$500	*$1,000	*$50	*$100	10	The LEA met the compliance standard using all 4 methods.*
Exceptions and adjustment taken in 2015–2016.	−50	−50	−5	−5	.....	LEA uses the child count number from the comparison year (2014–2015).
Exceptions and adjustment the LEA reasonably expects to take in 2016–2017.	−25	−25	−2.50	−2.50	.....	LEA uses the child count number from the comparison year (2014–2015).
How much must the LEA budget to meet the eligibility standard in 2016–2017?.	425	925	42.50	92.50	.....	When the LEA submits a budget for 2016–2017, the most recent fiscal year for which the LEA has information is 2014–2015. However, if the LEA has information on exceptions and adjustment taken in 2015–2016, the LEA may use that information when budgeting for 2016–2017. The LEA may also use information that it has on any exceptions and adjustment it reasonably expects to take in 2016–2017 when budgeting for that year.

Table 10 provides examples both of how to calculate the amount by which an LEA failed to maintain its level of expenditures and of the amount of non-Federal funds that an SEA must return to the Department on account of that failure.

TABLE 10—EXAMPLE OF HOW TO CALCULATE THE AMOUNT OF AN LEA'S FAILURE TO MEET THE COMPLIANCE STANDARD IN 2016–2017 AND THE AMOUNT THAT AN SEA MUST RETURN TO THE DEPARTMENT

Fiscal year	Local funds only	Combination of State and local funds	Local funds only on a per capita basis	Combination of State and local funds on a per capita basis	Child count	Amount of IDEA Part B subgrant
2015–2016	*$500	*$950	$50*	$95*	.....	Not relevant.
2016–2017	400	750	40	75	10	$50
Amount by which an LEA failed to maintain its level of expenditures in 2016–2017.	100	200	100 (the amount of the failure equals the amount of the per capita shortfall ($10) times the number of children with disabilities in 2016–2017 (10)).	200 (the amount of the failure equals the amount of the per capita shortfall ($20) times the number of children with disabilities in 2016–2017 (10)).	.....	.....

The SEA determines that the amount of the LEA's failure is $100 using the calculation method that results in the lowest amount of a failure. The SEA's liability is the lesser of the four calculated shortfalls and the amount of the LEA's Part B subgrant in the fiscal year in which the LEA failed to meet the compliance standard. In this case, the SEA must return $50 to the Department because the LEA's IDEA Part B subgrant was $50, and that is the lower amount.

*LEA met MOE using this method.

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Vol. 80, No. 81

Tuesday, April 28, 2015

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FEDERAL REGISTER PAGES AND DATE, APRIL

17307–17682 1
17683–18082 2
18083–18304 3
18305–18514 6
18515–18772 7
18773–19006 8
19007–19192 9
19193–19510 10
19511–19868 13
19869–20148 14
20149–20406 15
20407–21150 16
21151–21638 17
21639–22086 20
22087–22356 21
22357–22616 22
22617–22870 23
22871–23228 24
23229–23440 27
23441–23672 28

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR
2400 18519
Proposed Rules:
1201 18784

3 CFR
Proclamations:
9243 18073
9244 18075
9245 18301
9246 18303
9247 18509
9248 18511
9249 18513
9250 18515
9251 19191
9252 19867
9253 20403
9254 20405
9255 21149
9256 21151
9257 22617
9258 22868
9259 22871
Executive Orders:
13694 18077
Administrative Orders:
Memorandums:
Memorandum of March 25, 2015 22087
Memorandum of March 27, 2015 18517
Memorandum of March 31, 2015 19869
Notices:
Notice of March 31, 2015 18081
Notice of April 8, 2015 19193
Presidential Determinations:
No. 2015–05 of April 10, 2015 22089

5 CFR
532 17307
1201 21153
Proposed Rules:
843 18159
2600 18160
2601 18160
2604 18160

7 CFR
12 22873
319 ..... 22619, 22885
457 20407
610 19007
622 19007
624 19007
625 19007
652 19007
662 19007
915 22357
944 22357
948 22359
953 17307
980 22359
1212 22361
1455 19007
1465 19007
Proposed Rules:
205 23455
210 23243
215 23243
220 23243
226 23243
319 ..... 22927, 22930, 22934
929 ..... 22431, 22433
1205 19567

10 CFR
72 ..... 20149, 21639
Proposed Rules:
50 21658
52 21658
72 20171
73 22434
429 ..... 17586, 17826, 19885, 20116, 22658, 22938, 22939
430 ..... 17355, 17359, 18167, 18784, 19569, 19885, 20116
431 ..... 17363, 17586, 17826, 19885, 20116, 22658, 22938, 22939

12 CFR
217 20153
225 20153
238 20153
340 22886
1024 22091
1026 ..... 21153, 22091
1805 19195
Proposed Rules:
Ch. I 20173
Ch. II 20173
204 20448
Ch. III 20173
360 23478

13 CFR
Proposed Rules:
115 19886
121 18556
124 18556
125 18556
126 18556
127 18556
130 17708
131 22434
134 18556

14 CFR
23 ..... 17310, 17312, 23229

25.....18305, 23441
39 .....18083, 19009, 19013, 19017, 19871, 19873, 19876, 19878, 19881, 21639, 21645, 22094, 22635, 23230, 23232
71 .....21158, 22891, 22892, 22893, 22894, 22895, 22896, 22897, 22898, 22899
73 .....18519, 21158, 22096
95.....18084
97 .....19511, 19515, 19517, 19520
1245.....19196

Proposed Rules:
23.....19889
39 .....17366, 17368, 19244, 19246, 19248, 19570, 19572, 19574, 19892, 20175, 20178, 20181, 21191, 21193, 22136, 22137, 22140, 22436, 22438, 22939, 22943, 23244
71 .....22946, 22947, 22949, 22950, 22952
93.....19576
97.....19577
121.....19251
193.....18168

15 CFR

744.....22638
774.....18522, 21159

16 CFR

Proposed Rules:
1422.....18556
1610.....18795

17 CFR

200.....21806
230.....21806
232.....21649, 21806
239.....21806
240.....21806
249.....21806
260.....21806

Proposed Rules:
240.....18036

18 CFR

2.....22366
11.....18526
35.....17654
40.....22385, 22395
284.....23198

Proposed Rules:
40.....22441, 22444

20 CFR

404.....19522, 21159
416.....19522
655.....23443

Proposed Rules:
603.....20690
651.....20690
652.....20690
653.....20690
654.....20690
655.....20300
658.....20690
675.....20690
676.....20574
677.....20574
678.....20574
679.....20690
680.....20690
681.....20690
682.....20690
683.....20690
684.....20690
685.....20690
686.....20690
687.....20690
688.....20690

21 CFR

1.....18087, 22403
14.....18307
16.....22403
26.....18087
99.....18087
201.....18087
203.....18087
206.....18087
207.....18087
310.....18087
312.....18087
314.....18087
510.....18773
520.....18773
522.....18773, 18777
524.....18773
529.....18773
558.....18773
600.....18087
601.....18087
606.....18087
607.....18087
610.....18087
660.....18087
680.....18087
801.....18087
807.....18087
812.....18087
814.....18087
822.....18087
876.....18307
1020.....19530
1271.....18087

Proposed Rules:
1.....19160
73.....22449
314.....22953
320.....22953
1020.....19589

22 CFR

237.....22642

23 CFR

Proposed Rules:
515.....17371

24 CFR

84.....18519
85.....18519
200.....18095
235.....18095

Proposed Rules:
5.....17548
92.....17548
135.....17372
200.....17548
574.....17548
576.....17548
578.....17548
880.....17548
882.....17548
883.....17548
884.....17548
886.....17548
891.....17548
960.....17548
966.....17548
982.....17548
983.....17548

26 CFR

1 .....17314, 18171, 20413, 21169, 23237, 23238
301.....23443
602.....17314, 23238

Proposed Rules:
1 .....18096, 20454, 22449, 22954, 23244
301.....22449
602.....22449

27 CFR

Proposed Rules:
9 .....19895, 19901, 19908

28 CFR

16.....18099

29 CFR

101.....19199
102.....19199
103.....19199
4022.....20158

Proposed Rules:
1630.....21659
1910.....20185
1926.....20185
2509.....21928
2510.....21928
2550 .....21960, 21989, 22004, 22010, 22021, 22035
4000.....18172
4041A 18172
4281.....18172

30 CFR

Proposed Rules:
75.....22465
250.....21504, 21670
254.....21670
550.....21670

31 CFR

542.....19532

32 CFR

706.....19533

33 CFR

3.....20159
100 .....18310, 20414, 20416, 20418, 22097
117 .....17324, 18114, 18313, 19200, 19883, 19884, 20163, 20437, 22097, 22100, 22101, 22645, 23238, 23444, 23445
141.....20159
161.....17326
164.....17326
165 .....17683, 17685, 17687, 18313, 19201, 19203, 20163, 20418, 20439, 22103, 22105, 22900, 22901, 22903, 23445

Proposed Rules:
100.....23484
101.....17372
104.....17372
105.....17372
110.....18175, 18324
117.....19252
120.....17372
128.....17372
148.....19118
149.....19118
150.....19118
165 .....21670, 22142, 22144

34 CFR

263.....22403
300.....23644

Proposed Rules:
361 .....20574, 21059, 22661
363.....21059, 22661
367.....20988
369.....20988
370.....20988
371.....20988
373.....20988
376.....20988
377.....20988
379.....20988
381.....20988
385.....20988
386.....20988
387.....20988
388.....20988
389.....20988
390.....20988
396 .....20988, 21195, 21196
397.....21059, 22661
461.....20968
462.....20968
463.....20574, 20968
472.....20968
477.....20968
489.....20968
490.....20968

36 CFR

214.....21588
261.....21588
291.....21588

Proposed Rules:
2.....21674
1193.....18177
1194.....18177

37 CFR

1.....17918
3.....17918
5.....17918
11.....17918
41.....17918
202.....19206
386.....22417

Proposed Rules:
201.....19255

38 CFR

1.....23239
3.....18116
17.....22906, 23239
38.....19534

39 CFR

3020.....18117

Proposed Rules:
111.....19914
501.....22661

40 CFR

49.....18120
52 .....17327, 17331, 17333, 17689, 17692, 18133, 18526, 18528, 19020, 19206, 19220,

19538, 19541, 19544, 19548, 20166, 20441, 21170, 21174, 21176, 21181, 21183, 22106, 22107, 22112, 22646, 22909, 23449
61 22115
63 ..... 22115, 22116
73 22116
80 18136
81 ..... 18120, 18528, 18535, 19548, 22112
82 19454
90 22418
98 21650
147 ..... 18316, 18319
180 ..... 17697, 18141, 19226, 19231, 21187, 22418, 22648
257 21302
260 18777
261 ..... 18777, 21302
271 21650
300 ..... 17703, 18144, 18780
745 20444

Proposed Rules:

50 18177
51 18177
52 ..... 17712, 18179, 18944, 19591, 19593, 19931, 19932, 19935, 21198, 21199, 21681, 21685, 22147, 22662, 22666, 22671, 22672, 22956, 23245, 23487
62 23402
80 18179
81 ..... 18184, 22672
93 18177
136 21691
147 ..... 18326, 18327
174 22466
180 ..... 18327, 22466
192 22964
271 21691
372 20189
435 18557
704 18330
721 19037

41 CFR

60–20 17373
102–42 21189
300–3 19238

42 CFR

37 23241
435 22654

Proposed Rules:

412 23332
433 20455
438 19418
440 19418
456 19418
457 19418
483 22044
495 20346

43 CFR

Proposed Rules:

3100 22148

44 CFR

64 ..... 19241, 22116

45 CFR

1640 21654

Proposed Rules:

95 20455
1355 17713
1610 21692
1627 21692
1628 21700
1630 21692

46 CFR

11 22118
298 22421

Proposed Rules:

45 23493

47 CFR

1 19738
8 19738
20 19738
22 23452
73 ..... 22924, 22925, 23454
74 17343
90 18144

Proposed Rules:

Ch. I 18185
0 21200
1 22690
2 22965
12 18342
15 22965
20 22965
27 22690
54 19941
69 23248
73 ..... 20195, 22965
76 19594

48 CFR

Ch. 1 ..... 19504, 19508
1 19504
22 19504
52 19504
205 21656
206 21656
208 21656
210 21656
213 21656
215 21656
216 21656
1515 20167
1552 20167

Proposed Rules:

1511 19254
1552 19254
1801 18580
1802 18580
1805 18580
1807 18580
1812 18580
1813 18580
1823 18580
1833 18580
1836 18580
1847 18580
1850 18580
1852 18580

49 CFR

40 19551
173 17706
383 ..... 18146, 22790
384 22790
385 18146
386 18146
387 18146
391 22790
572 22655
574 19553
579 19553

Proposed Rules:

611 18796

50 CFR

17 17974
223 22119
300 17344
622 ..... 18551, 18552, 19243, 22422
648 ..... 20446, 22119
660 ..... 17352, 18781, 19034, 19564, 22270, 22926
679 ..... 18553, 18554, 18782, 22655, 22656, 23241

Proposed Rules:

13 ..... 17374, 22467
17 ..... 18710, 18742, 19050, 19259, 19263, 19941, 19953, 22828
20 19852
21 ..... 17374, 22467
223 ..... 18343, 22304, 22468
224 ..... 18343, 18347, 22304, 22468
229 18584
300 19611
600 19611
622 ..... 17380, 18797, 19056
648 ..... 18801, 23249
660 ..... 19611, 22156
665 ..... 19611, 22158

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 21, 2015

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