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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

2 CFR Part 3256

45 CFR Part 1155

RIN 3135–AA24

Implementation of OMB Guidance on Drug-Free Workplace Requirements

AGENCY: National Endowment for the Arts.

ACTION: Final rule.

SUMMARY: The National Endowment for the Arts (NEA) is adopting the Office of Management and Budget (OMB) guidance on drug-free workplace requirements for financial assistance. It is removing its regulation implementing the Governmentwide common rule and issuing a new regulation to adopt the OMB guidance. This regulatory action implements the OMB's initiative to streamline and consolidate into one title of the CFR all Federal regulations on drug-free workplace requirements for financial assistance. These regulatory actions constitute an administrative simplification that would make no substantive change in NEA's policy or procedures for drug-free workplace.

DATES: This rule is effective on June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Sarah Weingast, Assistant General Counsel, (202) 682–5796.

SUPPLEMENTARY INFORMATION: Please note that the proposed rule for this regulatory change, filed March 23, 2015, originally designated 2 CFR part 3255 for the Implementation of the OMB Guidance. No comments were received regarding the proposed rule during the 30 day comment period. This final rule, however has redesignated this Implementation of OMB Guidance to part 3256 so that the originally-designated part may be used for other regulations.

A. Background

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701, *et seq.*) as a part of omnibus drug legislation. Federal agencies issued an interim final common rule to implement the Act as it applied to grants (53 FR 4946, January 31, 1989). The rule was a subpart of the Governmentwide common rule on nonprocurement suspension and debarment. The agencies issued a final common rule after consideration of public comments (55 FR 21681, May 25, 1990).

The agencies proposed an update to the drug-free workplace common rule in 2002 (67 FR 3266, January 23, 2002) and finalized it in 2003 (68 FR 66534, November 26, 2003). The updated common rule was redrafted in plain language and adopted as a separate part, independent from the common rule on nonprocurement suspension and debarment. Based on an amendment to the drug-free workplace requirements in 41 U.S.C. 702 (Pub. L. 105–85, div. A, title VIII, Sec. 809, Nov. 18, 1997, 111 Stat. 1838), the update also allowed multiple enforcement options from which agencies could select, rather than requiring use of a certification in all cases.

When it established Title 2 of the CFR as the new central location for OMB guidance and agency implementing regulations concerning grants and agreements (69 FR 26276, May 11, 2004), OMB announced its intention to replace common rules with OMB guidance that agencies could adopt in brief regulations. OMB began that process by proposing (70 FR 51863, August 31, 2005) and finalizing (71 FR 66431, November 15, 2006) Governmentwide guidance on nonprocurement suspension and debarment in 2 CFR part 180.

As the next step in that process, OMB proposed for comment (73 FR 55776, September 26, 2008) and finalized (74 FR 28149, June 15, 2009) Governmentwide guidance with policies and procedures to implement drug-free workplace requirements for financial assistance. The guidance requires each agency to replace the common rule on drug-free workplace requirements that the agency previously issued in its own CFR title with a brief regulation in 2 CFR adopting the Governmentwide policies and procedures. One advantage of this approach is that it reduces the total volume of drug-free workplace regulations. A second advantage is that it locates OMB's guidance and all of the agencies' implementing regulations in 2 CFR.

B. The Current Regulatory Actions

As the OMB guidance requires, the NEA is taking two regulatory actions. First, we are removing the drug-free workplace common rule from 45 CFR part 1155. Second, to replace the common rule, we are issuing a brief regulation in 2 CFR part 3256 to adopt the Governmentwide policies and procedures in the OMB guidance.

Please note that the proposed rule for this regulatory change, filed March 23, 2015, originally designated 2 CFR part 3255 for the Implementation of the OMB Guidance. No comments were received regarding the proposed rule during the 30 day comment period. The final rule, however has redesignated this Implementation of OMB Guidance to part 3256 so that the originally-designated part may be used for other regulations.

1. Invitation To Comment

Taken together, these regulatory actions are solely an administrative simplification and are not intended to make any substantive change in policies or procedures. In soliciting comments on these actions, we did not seeking to revisit substantive issues that were resolved during the development of the final common rule in 2003. We invited comments specifically on any unintended changes in substantive content that the new part in 2 CFR would make relative to the common rule at 45 CFR part 1155. No comments were received by the close of the thirty day comment period.

2. Administrative Procedure Act

Under the Administrative Procedure Act (5 U.S.C. 553), agencies generally propose a regulation and offer interested parties the opportunity to comment before it becomes effective. However, as described in the ''Background'' section of this preamble, the policies and procedures in this regulation have been proposed for comment two times—one time by federal agencies as a common

rule in 2002, and a second time by OMB as guidance in 2008—and adopted each time after resolution of the comments received.

This final rule is solely an administrative simplification that would make no substantive change in the NEA policy or procedures for drug-free workplace. We therefore believe that the rule is noncontroversial and did not expect to receive adverse comments, although we are invited comments on any unintended substantive change this rule makes. No comments were received by the close of the thirty-day comment period and this rule becomes effective on June 11, 2015 without further action.

3. Executive Order 12866

OMB has determined this rule to be not significant for purposes of E.O. 12866.

4. Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

5. Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

6. Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

7. Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. 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.

List of Subjects

2 CFR Part 3256

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

45 CFR Part 1155

Administrative practice and procedure, Drug abuse, Grant programs, Loan programs, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the National Endowment for the Arts amends 2 CFR chapter XXXII and 45 CFR chapter XI as follows:

Title 2—Grants and Agreements

CHAPTER XXXII—NATIONAL ENDOWMENT FOR THE ARTS

■ 1. In title 2, chapter XXXII, add part 3256 to read as follows:

PART 3256—REQUIREMENTS FOR DRUG–FREE WORKPLACE (FINANCIAL ASSISTANCE)

Sec.

3256.100 What does this part do?
3256.105 Does this part apply to me?
3256.110 What policies and procedures must I follow?

Subpart A—[Reserved]

Subpart B—Requirements for Recipients Other Than Individuals

3256.200 Whom in the NEA does a recipient other than an individual notify about a criminal drug conviction?

Subpart C—Requirements for Recipients Who Are Individuals

3256.300 Whom in the NEA does a recipient who is an individual notify about a criminal drug conviction?

Subpart D—Responsibilities of NEA Awarding Officials

3256.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

Subpart E—Violations of This Part and Consequences

3256.500 Who in the NEA determines that a recipient other than an individual violated the requirements of this part?
3256.505 Who in the NEA determines that a recipient who is an individual violated the requirements of this part?

Subpart F—[Reserved]

Authority: 41 U.S.C. 701 *et seq.*

§ 3256.100 What does this part do?

This part requires that the award and administration of NEA grants and cooperative agreements comply with Office of Management and Budget (OMB) guidance implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereafter referred to as ''the Act'') that applies to grants. It thereby—

(a) Gives regulatory effect to the OMB guidance (subparts A through F of 2 CFR part 182) for the NEA's grants and cooperative agreements; and

(b) Establishes NEA policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 3256.105 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in subparts A through F of 2 CFR part 182 (see table at 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of an NEA grant or cooperative agreement; or

(b) NEA awarding official.

§ 3256.110 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in the applicable sections of the OMB guidance in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB guidance that this part supplements.* In implementing the guidance in 2 CFR part 182, this part supplements four sections of that guidance, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB guidance, as supplemented by this part.

Section of OMB guidance	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 3256.200	Whom in the NEA a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 3256.300	Whom in the NEA a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 3256.500	Who in the NEA is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 3256.505	Who in the NEA is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB guidance that this part does not supplement.* For any section of OMB guidance in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, the NEA's policies and procedures are the same as those in the OMB guidance.

Subpart A—[Reserved]

Subpart B—Requirements for Recipients Other Than Individuals

§ 3256.200 Whom in the NEA does a recipient other than an individual notify about a criminal drug conviction?

A recipient other than an individual that is required under 2 CFR 182.225(a) to notify Federal agencies about an employee's conviction for a criminal drug offense must notify the NEA awarding official or other designee for each award that it currently has.

Subpart C—Requirements for Recipients Who Are Individuals

§ 3256.300 Whom in the NEA does a recipient who is an individual notify about a criminal drug conviction?

A recipient who is an individual and is required under 2 CFR 182.300(b) to notify Federal agencies about a conviction for a criminal drug offense must notify the NEA awarding official or other designee for each award that he or she currently has.

Subpart D—Responsibilities of NEA Awarding Officials

§ 3256.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

To obtain a recipient's agreement to comply with applicable requirements in the OMB guidance at 2 CFR part 182, you must include the following term or condition in the award: Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of this part, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

Subpart E—Violations of This Part and Consequences

§ 3256.500 Who in the NEA determines that a recipient other than an individual violated the requirements of this part?

The Chairman of the National Endowment for the Arts is the official authorized to make the determination under 2 CFR 182.500.

§ 3256.505 Who in the NEA determines that a recipient who is an individual violated the requirements of this part?

The Chairman of the National Endowment for the Arts is the official authorized to make the determination under 2 CFR 182.505.

Subpart F—[Reserved]

Title 45—Public Welfare

PART 1155—[REMOVED]

■ 2. Under the authority of 20 U.S.C. 959(a)(1), part 1155 is removed.

Kathy N. Daum,

Director, Office of Administrative Services.

[FR Doc. 2015–14163 Filed 6–10–15; 8:45 am]

BILLING CODE 7537–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Chapter IX

[Docket No. FR–5650–N–10]

Native American Housing Assistance and Self-Determination Act of 1996: Negotiated Rulemaking Committee; Notice of Seventh Meeting; Correction

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of meetings of negotiated rulemaking committee; Correction.

SUMMARY: On May 26, 2015, HUD published a notice in the **Federal Register** announcing the seventh meeting of the Indian Housing Block Grant (IHBG) program negotiated rulemaking committee. The notice advised the public that the seventh meeting of the IHBG negotiated rulemaking committee will be held on Tuesday, August 11, 2015, Wednesday, August 12, 2015, and Thursday, August 13, 2015. The published notice incorrectly listed the location for the meeting. This document corrects the address and location for the meeting.

FOR FURTHER INFORMATION CONTACT: Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4126, Washington, DC 20410, telephone number 202–401–7914 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at 1–800–877–8339.

Corrections

In the **Federal Register** of May 26, 2015, in FR Doc. 2015–12648, please make the following corrections:

1. On page 30004, in the third column, correct the **ADDRESSES** section to read as follows:

ADDRESSES: The meeting will take place at the DoubleTree-Scottsdale, 5401 North Scottsdale Road, Scottsdale, Arizona 85250–7090.

2. On page 30005, in the second column, correct the first paragraph under Section II to read as follows:

II. Seventh Committee Meeting

The seventh meeting of the IHBG Formula Negotiation Rulemaking Committee will be held on Tuesday, August 11, 2015, Wednesday, August 12, 2015, and Thursday, August 13, 2015. On each day, the session will begin at approximately 8:30 a.m., and adjourn at approximately 5:30 p.m. The meeting will take place at the DoubleTree-Scottsdale, 5401 North Scottsdale Road, Scottsdale, Arizona.

Dated: June 8, 2015.

Aaron Santa Anna,

Assistant General Counsel for Regulations.

[FR Doc. 2015–14324 Filed 6–10–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

34 CFR Part 222

RIN 1810–AB21

Impact Aid Program

AGENCY: Office of Elementary and Secondary Education, Department of Education

ACTION: Final regulations.

SUMMARY: The Secretary amends the Impact Aid Program regulations to reflect changes made to title VIII of the Elementary and Secondary Education Act of 1965 (ESEA or Act), as amended by various statutes, to delete obsolete provisions, to correct technical errors, and to incorporate relevant statutory and regulatory changes from the Individuals with Disabilities Education Act (IDEA) and its implementing regulations. The Secretary makes minor technical, clarifying, and streamlining changes for the reader's convenience, including reordering the regulations that implement the section of the Act regarding local contribution rates that are based on generally comparable local educational agencies (LEAs).

DATES: These regulations are effective June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Kristen Walls-Rivas, U.S. Department of Education, 400 Maryland Avenue SW., Room 3C155, Washington, DC 20202–6244. Telephone: (202) 260–3858 or by email: *Impact.Aid@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 may obtain this document in an alternative format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: These final regulations make technical changes to the existing regulations for the Impact Aid Program in 34 CFR part 222. The existing regulations contain technical errors and language that is inconsistent with other regulations and with the current provisions of the Impact Aid statute (title VIII of the ESEA) and statutory and regulatory provisions of parts B and C of the IDEA. The Impact Aid statute has been amended by a number of laws in recent years, including, for purposes of these regulations:

- The National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239);
- The 2002 Supplemental Appropriations Act (Pub. L. 107–206);
- The No Child Left Behind Act of 2001 (Pub. L. 107–110);
- The Department of Education Appropriations Act, 2001 (Pub. L. 106–554); and
- The Impact Aid Reauthorization Act of 2000 (Pub. L. 106–398).

These final regulations make technical corrections, align the regulations with statutory changes made to the program and to relevant statutory and regulatory changes related to the IDEA, delete obsolete provisions, and streamline the regulations. There are also recent statutory changes that will require public comment in order to make changes to the regulations. These substantive changes are not included in this notice. We will seek public comment on them in a notice of proposed rulemaking that we intend to publish at a later date.

In implementing the Impact Aid Program, the Secretary generally issues regulations only where absolutely necessary or to provide increased flexibility or reduce burden. We discuss the major technical changes made by these regulations under the sections of the regulations to which they pertain. We do not discuss minor technical changes.

Subpart A—General

- Revising § 222.2 to reflect that the definition of ''modernization'' in section 8013 of the Act is applicable to this part.
- Revising §§ 222.3 and 222.5 to reflect a change to the ESEA requiring that we use preceding-year data in calculating payments under section 8002 of the Act, which means that applications for sections 8002 and 8003 payments are based on the same year's data.
- Revising § 222.4 to remove outdated references to the submission of applications via U.S. mail.
- Revising § 222.6 to conform to the requirement in section 8005 of the ESEA that we give written notice to an applicant following the applicant's failure to comply with the applicable filing deadline.
- Revising §§ 222.12 and 222.13, concerning overpayment forgiveness, to remove references to obsolete statutory provisions and deadlines since overpayments under those provisions no longer exist.
- Revising § 222.19 to update the list of statutes and regulations that apply to the program.

Subpart B—Payments for Federal Property Under Section 8002 of the Act

- Revising § 222.22 to conform to statutory changes to section 8002 of the Act concerning compensation that LEAs receive from Federal activities on eligible Federal property.
- Despite the fact that § 222.23 is currently superseded by statutory changes to section 8002 of the Act, we are not removing or revising § 222.23 because those statutory provisions are scheduled to expire.

Subpart C—Payments for Federally Connected Children Under Section 8003(b) of the Act

- Revising § 222.33 to indicate that an LEA makes its membership count before the deadline date upon which Impact Aid applications are due, rather than no later than that date.
- Revising § 222.35(a)(2) to refer to an ''unsigned'' parent-pupil survey form.
- In § 222.36, amending paragraphs (a) and (b) to reflect a statutory change related to application data submitted by newly established LEAs, and removing paragraph (d) as obsolete.
- In § 222.38, updating the statutory references in the heading and paragraph (a) to conform to current statutory designations and renumbering the provisions of the section. In addition, we add as new paragraph (b) provisions that incorporate the statutory requirement that we use data from the most recent fiscal year for which satisfactory data are available for local contribution rates based on one-half of the State average or one-half of the national average if satisfactory expenditure data from the third preceding fiscal year are not available.
- Reorganizing the local contribution rate regulations currently in §§ 222.39 through 222.41 of subpart C to streamline those provisions, remove redundancies, and reflect current law and procedures. In recent fiscal years, approximately 15 State educational agencies (SEAs) have opted to use these provisions. Fourteen of these SEAs used the provision in § 222.39 and only one SEA used the additional factor provisions in current § 222.39(c). For that reason we have reorganized the sections to keep the basic generally comparable regulations under § 222.39 and move the more specific provisions relating to the use of additional factors to § 222.40. The substance of these provisions has not changed; in accordance with section 8003(b)(1)(C)(iii) of the Act, the methods that SEAs use to determine generally comparable local contribution rates remain unchanged from the regulations in effect on January 1, 1994.

Paragraphs (a) and (b) of § 222.39 describe the method SEAs use to identify generally comparable LEAs for determining local contribution rates, through grouping by grade span/legal classification, size, and location. The current provisions in § 222.40 and the examples also refer to grouping by grade span/legal classification, size, and location for determining local contribution rates; we move these provisions to § 222.39 in order to eliminate redundancy and streamline the provisions. We remove the remaining provisions in current § 222.40, and in the example that follows the section, as they are redundant.

The provisions in new § 222.40, moved from current § 222.39(c), describe the circumstances and procedures for using additional factors to identify a subgroup of generally comparable LEAs, for the limited number of LEAs that qualify for this option. The examples from current § 222.39(c) are retained, with the exception of one example removed for redundancy. Paragraph (e) of new § 222.40 contains the provisions of current § 222.39(c)(4), with the clarification that the SEA certifies the local contribution rate data by submitting that data to the Secretary, in accordance with the current text of section 8003(b)(1)(c)(iii) of the Act.

• Revising § 222.41 to add a reference to new § 222.40 and to add clarifying language regarding the certification of data by the SEA.

• Reserving § 222.42 for further provisions regarding local contribution rates.

• Moving to new § 222.43 the content of current §§ 222.63 and 222.64 (from subpart E). These provisions implement the authority in section 8003(b)(1)(F) of the ESEA regarding increases in the local contribution rate of an LEA that is unable to provide an equivalent level of education due to higher current expenditures caused by unusual geographic factors. Previously, this type of assistance was grouped as one type of heavily impacted district assistance. Although the Act does not currently treat this assistance as heavily impacted district funding, the substantive requirements for the statutory provision remain unchanged. Paragraph (a)(1)–(3) of new § 222.43 contains the information currently in § 222.63(a)–(c), updated to reflect statutory changes. Paragraph (a)(4) of new § 222.43 contains the provisions of current § 222.63(d), specifically that if an LEA is in a State authorized by the Department to take into account Impact Aid under section 8009 of the Act, then it is not eligible to use the ''unusual geographic'' provision. Paragraph (b) of new § 222.43 contains the contents of current § 222.64(b), with clarifying changes. We remove current § 222.64(a) as it is already covered by the provisions in § 222.43.

• Moving to new § 222.44 the provisions currently found in § 222.73 related to the calculation of maximum payments for eligible LEAs under section 8003(b)(1)(F) of the ESEA. We remove § 222.73(c) in accordance with statutory changes. We also update statutory and regulatory references, and make minor clarifying changes; however, we do not change the content of these provisions.

Subpart D—Payments Under Section 8003(d) of the Act for Local Educational Agencies That Serve Children With Disabilities

• Revising this subpart to incorporate amendments that have been made to parts B and C of the IDEA, through the 2004 statutory changes to IDEA, the 2006 IDEA part B final regulations codified in 34 CFR part 300, and the 2011 IDEA part C final regulations codified in 34 CFR part 303.

• Revising § 222.50 (definitions) by removing the previous definitions of the following terms and replacing them with cross-references to the definitions of those terms in the IDEA regulations: Free appropriate public education or FAPE, individualized education program or IEP, related services, and special education. In addition, we add the following relevant new terms with cross-references to their definitions in the applicable IDEA regulations: Child with a disability, early intervention services, individualized family service plan or IFSP, and infants, toddlers, and children with disabilities. We use the term ''infants, toddlers, and children with disabilities'' to refer to both ''infants and toddlers with disabilities'' who are eligible to receive early intervention services under part C of the IDEA and ''children with disabilities'' who are eligible to receive special education and related services under part B of the IDEA. Combined, these are all children who are eligible to receive services under the IDEA for purposes of the Impact Aid statute (20 U.S.C. 7703(d)(1)(A)) and we refer to them in these regulations as ''infants, toddlers, and children with disabilities.'' We remove the definition of ''preschool'' as it is unnecessary due to Impact Aid provisions that permit districts to claim preschool-age students regardless of whether their education is part of elementary education under State law, and to avoid any confusion with respect to the provisions in section 619 and part C of the IDEA regarding preschool children. We remove the definition of ''children with specific learning disabilities'' because that term is already encompassed in the definition of ''children with disabilities'' under part B of the IDEA. We remove the definition of ''intermediate educational unit'' because it has been subsumed in the IDEA definition of LEA in 34 CFR 303.28.

• Revising § 222.51(a) and (b) and adding § 222.51(c), to clarify the existing requirement, from the Impact Aid statute in 20 U.S.C. 7703(d)(1), that LEAs providing a free appropriate public education or early intervention services to infants, toddlers, and children with disabilities under Parts B and C of the IDEA may count for Impact Aid payment purposes only certain of those children who are federally connected and eligible to receive services under the IDEA. Under the Impact Aid statute and the IDEA, in order to count those infants, toddlers, and children with disabilities, the LEA must provide free appropriate public education or early intervention services (whichever is applicable) either directly or through an arrangement with another entity at no cost to the children's parents, and each child being counted must have in place an IEP or IFSP (as appropriate).

• Revising §§ 222.52, 222.53, 222.54, and 222.55 to reflect revisions to part C of the IDEA by including a reference to early intervention services. We also revise § 222.53 to improve its readability and consistency with IDEA statutory provisions regarding prior approval if funds are used for construction.

Subpart E—Payments for Heavily Impacted Local Educational Agencies Under Section 8003(b)(2) of the Act

• Removing subpart E in its entirety and replacing it with a new subpart E, consisting of a new heading and new §§ 222.60 through 222.79. The new subpart E, which governs payments to certain heavily impacted LEAs, reflects statutory changes to section 8003(b)(2) of the ESEA. We explain the statutory changes and implementing regulatory provisions by regulatory section number below.

• New § 222.60 reflects the statutory change that payments to heavily impacted districts are no longer supplemental to other Impact Aid payments under section 8003(b).

• New § 222.61 reflects changes to statutory requirements for data used to determine eligibility of heavily impacted LEAs. This section includes language clarifying that the tax rate requirement for these LEAs may be met by having a tax rate that is at least 95 percent of the average tax rate of either comparable LEAs as identified in § 222.74 or all LEAs in the State, pursuant to section 8003(b)(2)(G) of the Act.

• New § 222.62 reflects changes to the criteria in section 8003(b)(2) of the Act that an LEA must meet to be considered an eligible ''continuing'' heavily impacted LEA, and the criteria that an LEA must meet to be considered an eligible ''new'' heavily impacted LEA. An LEA that applies and satisfies the eligibility requirements for two consecutive fiscal years is considered a ''new'' heavily impacted LEA. Section 222.62(b) reflects the statutory requirement that such an LEA would *not* receive its first payment as a ''new'' heavily impacted LEA until the second year of application eligibility.

• New § 222.63 describes the primary statutory categories of a ''continuing'' heavily impacted LEA. An LEA that applies and satisfies the eligibility requirement of one of the primary statutory categories and that *also* received a heavily impacted payment for fiscal year 2000 under section 8003(f) of the ESEA is considered a ''continuing'' heavily impacted LEA.

• New § 222.64 describes the statutory categories of a ''new'' heavily impacted LEA. These categories are similar to those described in new § 222.63. There is one significant difference in the per pupil expenditure (PPE) requirement for a ''new'' heavily impacted LEA that has a total enrollment of 350 or more. Those LEAs do *not* have the option of satisfying the PPE requirement by using the average PPE of all the States. Instead, they can *only* satisfy this requirement by using the average PPE of all the LEAs within their State. The tax rate requirement for these LEAs may be met by having a tax rate that is at least 95 percent of the average tax rate of either comparable LEAs as identified in § 222.74 or all LEAs in the State, pursuant to section 8003(b)(2)(G) of the ESEA. For an LEA that has a total enrollment of less than 350, the PPE and tax rate are based on one or three comparable LEAs.]

• New § 222.65 connects the new statutory requirements for heavily impacted LEAs with current regulatory provisions for calculating tax rates for those LEAs.

• New § 222.66 reflects the statutory provisions regarding loss of and resumption of eligibility for section 8003(b)(2) payments. In the year that either a ''continuing'' or ''new'' heavily impacted LEA loses its eligibility for a payment under section 8003(b)(2), it will still receive a section 8002(b)(2) payment for that year (commonly known as a ''hold harmless'' payment). However, the payment for the year of ineligibility will be based on the number of children in average daily attendance (ADA) that would be counted for that application if the LEA were eligible.

For resumption of eligibility, a ''continuing'' heavily impacted LEA must apply and be eligible for two consecutive years in order to receive another section 8003(b)(2) payment. In contrast, a ''new'' heavily impacted LEA must only apply and be eligible for the year of application to receive another section 8003(b)(2) payment. The examples and charts are provided for additional clarity as to the statutory requirements.

• New § 222.67 contains the provisions of current § 222.65 with updated statutory references, and reflects the statutory change that payments to heavily impacted districts are no longer supplemental to other Impact Aid payments under section 8003(b) of the Act. The revision also clarifies that in cases where certain States are certified by the Department to take into account Impact Aid payments, the State is still forbidden from taking into account the amount of Impact Aid that is due to a district's heavily impacted status. There is no substantive change to these provisions.

• New §§ 222.68–222.73 contain the provisions of current §§ 222.66 through 222.71, revised to reflect statutory changes to the eligibility requirements for heavily impacted districts in section 8003(b)(2)(B) and (C) of the Act, to make clarity changes, and to conform references to the other new regulatory sections of subpart E.

• Section 222.74 is revised to reflect new statutory requirements for the selection of one or three generally comparable LEAs for certain LEAs in section 8003(b)(2) of the ESEA and to update the statutory and regulatory citations.

• Section 222.75 is revised to reflect the new statutory provisions in section 8003(b)(2) of the ESEA that require the Department to use data from the third preceding fiscal year, and that limit the type of applicants for which we calculate the PPE of generally comparable school districts to only those districts described in new § 222.64(a)(2)(ii), that is, ''new'' districts with less than 350 ADA.

• Section 222.76, which pertains to ratable reduction of payments for years when insufficient funds are appropriated to make full payments under the Act, is removed because section 8003(b)(3) of the Act now contains detailed provisions for years in which insufficient funds are appropriated and applies to all payments, including those for heavily impacted districts, making this provision unnecessary.

Subpart F—Payments to Local Educational Agencies for Children With Severe Disabilities Under Section 8003(g) of the Act

• Removing and reserving subpart F due to the repeal of the statutory authority.

Subpart J—Impact Aid Administrative Hearings and Judicial Review Under Section 8011 of the Act

• Revising § 222.151 to remove an obsolete statutory reference and incorporate a statutory change lengthening the time period for filing a written request for an administrative hearing from 30 to 60 days.

• Revising § 222.152 to remove obsolete statutory references.

• Revising § 222.153 to update the addresses to which applicants must mail or deliver those administrative hearing requests. We also add an option for emailing the requests and note our recommendation that applicants elect mail or email delivery.

• Revising § 222.159 to reflect the statutory change that an applicant has 30 working days to seek judicial review following an administrative hearing determination.

Subpart K—Determinations Under Section 8009 of the Act

• Revising §§ 222.161 and 222.163 to conform to a statutory change in section 8009(b)(1) of the Act that eliminated obsolete references to payments under the former Impact Aid law, Public Law 81–874. We also revise § 222.161(a) to reflect changes in section 8009(b)(1) of the Act relating to heavily impacted districts, and to delete a reference to a repealed provision regarding LEAs with high concentrations of children with severe disabilities.

• Revising § 222.165 to incorporate a statutory change lengthening the time period for filing a written request for an administrative hearing from 30 to 60 days.

Executive Order 12866

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 not 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 does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements.

Upon review of the costs to LEAs, we have determined there is no financial or resource burden associated with these changes. The LEAs will benefit from an updated and streamlined regulation that will facilitate a better understanding of the program requirements.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these final regulations merely reflect changes made to title VIII of the ESEA and to the IDEA and its implementing regulations, as well as technical corrections and clarifications to delete obsolete provisions, correct technical errors, and streamline the Impact Aid Program regulations for the reader's convenience. These corrections and clarifications do not affect the substantive rights or obligations of individuals or institutions and do not establish or affect substantive policy. Thus, under 5 U.S.C. 553(b)(B), the Secretary has determined that proposed regulations are unnecessary.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The small entities that are affected by these regulations are small LEAs receiving Federal funds under this program. These regulations contain technical corrections to current regulations. The changes will not have a significant economic impact on any of the entities affected because the regulations do not impose excessive burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in these final regulations at the end of the affected sections of the regulations.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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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List of Subjects in 34 CFR Part 222

Education, Education of children with disabilities, Elementary and secondary education, Federally affected areas, Grant programs—education, Indians—education, Public housing, Reports and recordkeeping requirements, School construction.

Dated: June 5, 2015.

Deborah Delisle,

Assistant Secretary for Elementary and Secondary Education.

For the reasons discussed in the preamble, the Secretary amends part 222 of title 34 of the Code of Federal Regulations as follows:

PART 222—IMPACT AID PROGRAM

■ 1–2. The authority citation for part 222 continues to read as follows:

Authority: 20 U.S.C. 7701–7714, unless otherwise noted.

■ 3. Section 222.2 is amended by:

■ A. In paragraph (a)(1), adding the term ''modernization'' in alphabetical order.

■ B. In paragraph (b) introductory text, removing the phrase ''section 14101'' and adding, in its place, the phrase ''section 9101''.

■ C. Revising the first sentence of the definition of ''applicant'' and the definition of ''federally connected children'' in paragraph (c).

The revisions read as follows:

§ 222.2 What definitions apply to this part?

* * * * *

(c) * * *

Applicant means any LEA that files an application for financial assistance under section 8002 or section 8003 of

the Act and the regulations in this part implementing those provisions. * * *

* * * * *

Federally connected children means children described in section 8003 or section 8010(c)(2) of the Act.

(Authority: 20 U.S.C. 7703(a)(1) and 7710(c); 37 U.S.C. 101)

* * * * *

■ 4. Section 222.3 is amended by revising paragraphs (a) introductory text, (a)(1), (b)(2), and (c)(1)(i) to read as follows:

§ 222.3 How does a local educational agency apply for assistance under section 8002 or section 8003 of the Act?

* * * * *

(a) Except as provided in paragraphs (b) and (d) of this section, on or before January 31 of the fiscal year preceding the fiscal year for which the LEA seeks assistance under section 8002 or section 8003, the LEA must—

(1) File with the Secretary a complete and signed application for payment under section 8002 or section 8003; and

* * * * *

(b) * * *

(2) Except as provided in paragraph (d) of this section, within 60 days after the applicable event occurs but not later than September 30 of the fiscal year preceding the fiscal year for which the LEA seeks assistance under section 8002 or section 8003, the LEA must—

(i) File an application with the Secretary as permitted by paragraph (b)(1) of this section; and

(ii) File a copy of that application with its SEA.

(c)(1) * * *

(i) For an application subject to the filing deadlines in paragraph (a)(1) of this section, on or before February 15 of the fiscal year preceding the fiscal year for which the LEA seeks assistance under section 8002 or section 8003; and

* * * * *

§ 222.4 [Amended]

■ 5. Section 222.4 is amended by:

■ A. In paragraph (a), removing ‘‘, or mailed,’’ and removing the paragraph (a) designation.

■ B. Removing paragraphs (b) and (c).

■ 6. Section 222.5 is revised to read as follows:

§ 222.5 When may a local educational agency amend its application?

(a) An LEA may amend its application following any of the events described in § 222.3(b)(1) by submitting a written request to the Secretary and a copy to its SEA no later than the earlier of the following events:

(1) The 60th day following the applicable event.

(2) By the end of the Federal fiscal year preceding the fiscal year for which the LEA seeks assistance.

(b) The LEA also may amend its application based on actual data regarding eligible Federal properties or federally connected children if—

(1) Those data were not available at the time the LEA filed its application (*e.g.,* due to a second membership count of students) and are acceptable to the Secretary; and

(2) The LEA submits a written request to the Secretary with a copy to its SEA no later than the end of the Federal fiscal year preceding the fiscal year for which the LEA seeks assistance.

(Authority: 20 U.S.C. 7705)

■ 7. Section 222.6 is amended by:

■ A. In paragraph (a), adding ‘‘section’’ before ‘‘8003’’.

■ B. Revising paragraph (b).

The revision reads as follows:

§ 222.6 Which applications does the Secretary accept?

* * * * *

(b) The Secretary does not accept or approve for payment any section 8002 or section 8003 application that is not timely filed with the Secretary as described in paragraph (a) of this section, except as follows:

(1) The Secretary accepts and approves for payment any otherwise approvable application filed within—

(i) 60 days from the application deadline established in § 222.3; or

(ii) 60 days from the date of the Secretary's written notice of an LEA's failure to comply with the applicable filing date.

(2) The Secretary reduces the payment for applications described in paragraph (b)(1) of this section by 10 percent of the amount that would have been paid if the LEA had timely filed the application.

* * * * *

■ 8. Section 222.12 is amended by revising paragraph (a) to read as follows:

§ 222.12 What overpayments are eligible for forgiveness under section 8012 of the Act?

(a) The Secretary considers as eligible for forgiveness under section 8012 of the Act (‘‘eligible overpayment’’) any amount that is more than an LEA was eligible to receive for a particular fiscal year under the Act, except for the types of overpayments listed in § 222.13.

* * * * *

■ 9. Section 222.13 is revised to read as follows:

§ 222.13 What overpayments are not eligible for forgiveness under section 8012 of the Act?

The Secretary does not consider as eligible for forgiveness under section 8012 of the Act any overpayment caused by an LEA's failure to expend or account for funds properly under the following laws and regulations:

(a) Section 8003(d) of the Act (implemented in subpart D of this part) for certain federally connected children with disabilities.

(b) Section 8007 of the Act for construction.

(Authority: 20 U.S.C. 7712)

■ 10. Section 222.16 is amended by revising the section heading to read as follows:

§ 222.16 What information and documentation must a local educational agency submit for an eligible overpayment to be considered for forgiveness?

* * * * *

■ 11. Section 222.19 is amended by:

■ A. Removing paragraphs (b)(3) and (5) and redesignating paragraph (b)(4) as paragraph (b)(3).

■ B. Adding new paragraph (b)(4).

■ C. Revising paragraph (c).

■ D. Adding paragraph (d).

The additions and revision read as follows:

§ 222.19 What other statutes and regulations apply to this part?

* * * * *

(b) * * *

(4) 34 CFR part 84 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)).

(c) 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)).

(d) 2 CFR part 200, as adopted in 2 CFR part 3474 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), for payments under sections 8003(d) (payments for federally connected children with disabilities), 8007 (construction), and 8008 (school facilities).

* * * * *

■ 12. Section 222.22 is amended by revising paragraphs (b)(1), (c), and (d) to read as follows:

§ 222.22 How does the Secretary treat compensation from Federal activities for eligibility and payment purposes?

* * * * *

(b) * * *

(1) The LEA received revenue during the preceding fiscal year that is

generated directly from the eligible Federal property or activities in or on that property; and * * *

(c) If an LEA described in paragraph (a) of this section received revenue described in paragraph (b)(1) of this section during the preceding fiscal year that, when added to the LEA's projected total section 8002 payment for the fiscal year for which the LEA seeks assistance, exceeds the maximum payment amount under section 8002(b) for the fiscal year for which the LEA seeks assistance, the Secretary reduces the LEA's projected section 8002 payment by an amount equal to that excess amount.

(d) For purposes of this section, the amount of revenue that an LEA receives during the previous fiscal year from activities conducted on Federal property does not include payments received by the agency from the Secretary of Defense to support—

(1) The operation of a domestic dependent elementary or secondary school; or

(2) The provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

* * * * *

Subpart C—Payments for Federally Connected Children Under Section 8003(b) of the Act.

■ 12. Subpart C is amended by revising the subpart heading to read as set forth above.

■ 13. Section 222.32 is amended by revising the section heading to read as follows:

§ 222.32 What information does the Secretary use to determine a local educational agency's basic support payment?

* * * * *

§ 222.33 [Amended]

■ 14. Section 222.33 is amended by:
■ A. Removing the words ''on or'' in paragraph (a)(1).
■ B. Removing '', 7706'' from the authority citation.

§ 222.34 [Amended]

■ 15. Section 222.34 is amended by removing ''§ 222.5(b)(1)'' in paragraph (b) and adding in its place ''§ 222.5(b)''.

§ 222.35 [Amended]

■ 16. Section 222.35 is amended by:
■ A. Removing the words ''accept a parent-pupil survey form'' in paragraph (a)(2) and adding in their place the words ''accept an unsigned parent-pupil survey form''.
■ B. Removing ''and 7706'' from the authority citation.

■ 17. Section 222.36 is amended by:
■ A. Revising the section heading.
■ B. Revising paragraph (a) introductory text.
■ C. Revising paragraph (b).
■ D. Removing paragraph (d).

The revisions read as follows:

§ 222.36 How many federally connected children must a local educational agency have to receive a payment under section 8003?

(a) An LEA is eligible to receive a payment under section 8003 for a fiscal year only if the total number of eligible federally connected children for whom it provided a free public education for the preceding fiscal year was—

* * * * *

(b) An LEA is eligible to receive a payment under section 8003 for a fiscal year on behalf of federally connected children described in section 8003(a)(1)(F) or (G) only if the total number of those children for whom it provided a free public education for the preceding fiscal year was—

(1) At least 1,000 in ADA; or

(2) At least 10 percent of the total number of children in ADA.

* * * * *

■ 18. Section 222.38 is revised to read as follows:

§ 222.38 What is the maximum basic support payment that a local educational agency may receive under section 8003(b)(1)?

(a) The maximum basic support payment that an LEA may receive under section 8003(b)(1) for any fiscal year is the sum of its total weighted student units under section 8003(a)(2) for the federally connected children eligible to be counted as the basis for payment, multiplied by the greater of the following:

(1) One-half of the State average per pupil expenditure for the third fiscal year preceding the fiscal year for which the LEA seeks assistance.

(2) One-half of the national average per pupil expenditure for the third fiscal year preceding the fiscal year for which the LEA seeks assistance.

(3) The local contribution rate (LCR) based on generally comparable LEAs determined in accordance with §§ 222.39–222.41.

(4) The State average per pupil expenditure for the third preceding fiscal year multiplied by the local contribution percentage as defined in section 8013(8) of the Act for that same year.

(b) If satisfactory data from the third preceding fiscal year are not available for the expenditures described in paragraphs (a)(1) or (2), the Secretary uses data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

(Authority: 20 U.S.C. 7703(a) and (b))

■ 19. Section 222.39 is amended by:
■ A. Revising paragraphs (a) introductory text, (a)(1), (a)(2)(i), and (a)(2)(iii).
■ B. Revising paragraph (c).
■ C. Adding an example after paragraph (d)(6).

The revisions and addition read as follows:

§ 222.39 How does a State educational agency identify generally comparable local educational agencies for local contribution rate purposes?

(a) To identify generally comparable LEAs within its State for LCR purposes, the State educational agency (SEA) for that State, after appropriate consultation with the applicant LEAs in the State, shall use data from the third fiscal year preceding the fiscal year for which the LCR is being computed to group all of its LEAs, including all applicant LEAs, as follows:

(1) *Grouping by grade span/legal classification alone.* Divide all LEAs into groups that serve the same grade span and then subdivide the grade span groups by legal classification, if the Secretary considers this classification relevant and sufficiently different from grade span within the State. As an alternative grade-span division, divide all LEAs into elementary, secondary, or unified grade-span groups, as appropriate, within the State.

(2) *Grouping by grade span/legal classification and size.* (i) Divide all LEAs into groups by grade span (or the alternative grade-span groups described in paragraph (a)(1) of this section) and legal classification, if relevant and sufficiently different from grade span and size.

* * * * *

(iii) Divide each group into either two subgroups or three subgroups.

* * * * *

(c) The LCR for a ''significantly impacted'' LEA described in paragraph (b)(1) of this section is the LCR of any group in which that LEA would be included based on grade span/legal classification, size, location, or a combination of these factors, if the LEA were not excluded as significantly impacted.

(d) * * *

(6) * * *

Example. An LEA applies for assistance under section 8003 and wishes to recommend to the Secretary an LCR based on generally comparable LEAs within its State.

1. *Characteristics of Applicant LEA.* The grade span of an applicant LEA is kindergarten through grade 8 (K–8). In the applicant's State, legal classification of LEAs is based on grade span, and thus does not act to further subdivide groups of LEAs.

The ADA of the applicant LEA is above the median ADA of LEAs serving only K–8 in the State.

The applicant LEA is located outside an MSA.

2. *Characteristics of Other LEAs Serving Same Grade Span.* The SEA of the applicant's State groups all LEAs in its State according to the factors in § 222.39.

a. The SEA identifies the following groups:

(i) One hundred and one LEAs serve only K–8. The SEA has identified a group of 50 LEAs having an ADA above the median ADA for the group of 101, one LEA having an ADA at the median, and a group of 50 LEAs having an ADA below the median ADA; and according to § 222.39(a)(2), the SEA considers 51 LEAs to have an ADA below the median ADA.

(ii) Of the 101 LEAs in the group, the SEA has identified a group of 64 LEAs as being inside an MSA and a group of 37 LEAs as being outside an MSA.

(iii) Among the group of 50 LEAs having an ADA above the median, the SEA has identified a group of 35 LEAs as being inside an MSA and a group of 15 LEAs as being outside an MSA.

(iv) Among the group of 51 LEAs having an ADA at or below the median, the SEA has identified a group of 29 LEAs as being inside an MSA and 22 LEAs as being outside an MSA.

(v) One LEA has 20 percent of its ADA composed of children identified under section 8003(a)(1)(A)–(C) and, therefore, must be excluded from any group it falls within before the SEA computes an LCR for the group. The LEA has an ADA below the median ADA and is located outside an MSA.

b. On the basis of § 222.41, the SEA computes the LCR for each group of generally comparable LEAs that the SEA has identified.

■ 20. Section 222.40 is revised to read as follows:

§ 222.40 What procedures does a State educational agency use for certain local educational agencies to determine generally comparable local educational agencies using additional factors, for local contribution rate purposes?

(a) To use the procedures in this section, the applicant LEA, for the year of application, must either—

(1)(i) Be located entirely on Federal land; and

(ii) Be raising either no local revenues or an amount of local revenues the Secretary determines to be minimal; or

(2)(i) Be located in a State where State aid makes up no more than 40 percent of the State average per pupil expenditure in the third fiscal year preceding the fiscal year for which the LCR is being computed;

(ii) In its application, have federally connected children identified under section 8003(a)(1)(A)–(C) equal to at least 20 percent of its total ADA; and

(iii) In its application, have federally connected children identified under section 8003(a)(1)(A)–(G) who were eligible to be counted as the basis for payment under section 8003 equal to at least 50 percent of its total ADA.

(b) If requested by an applicant LEA described in paragraph (a) of this section, the SEA follows the procedures in this section, in consultation with the LEA, to determine generally comparable LEAs using additional factors for the purpose of calculating and certifying an LCR for that LEA.

(c) The SEA identifies—

(1) The subgroup of generally comparable LEAs from the group identified under § 222.39(a)(2) (grouping by grade span/legal classification and size) that includes the applicant LEA; or

(2) For an LEA described in paragraph (a) of this section that serves a different span of grades from all other LEAs in its State (and therefore cannot match any group of generally comparable LEAs under § 222.39(a)(2)), for purposes of this section only, a group using only legal classification and size as measured by ADA.

(d) From the subgroup described in paragraph (c) of this section, the SEA then identifies 10 or more generally comparable LEAs that share one or more additional common factors of general comparability with the applicant LEA described in paragraph (a) of this section, as follows:

(1)(i) The SEA must consider one or more generally accepted, objectively defined factors that affect the applicant's cost of educating its children. Examples of such cost-related factors include location inside or outside an MSA, an unusually large geographical area or an economically depressed area, sparsity of population, and the percentage of its students who are from low-income families or who are children with disabilities, neglected or delinquent children, low-achieving children, or children with limited English proficiency.

(ii) The SEA may not consider cost-related factors that can be varied at the discretion of the applicant LEA or its generally comparable LEAs or factors dependent on the wealth of the applicant LEA or its generally comparable LEAs. Examples of factors that may not be considered include special alternative curricular programs, pupil-teacher ratio, and per pupil expenditures.

(2) The SEA applies the factor or factors of general comparability identified under paragraph (d)(1)(i) of this section in one of the following ways in order to identify 10 or more generally comparable LEAs for the eligible applicant LEA, none of which may be significantly impacted LEAs:

(i) The SEA identifies all of the LEAs in the group to which the eligible applicant LEA belongs under § 222.39(a)(2) that share the factor or factors. If the subgroup containing the eligible applicant LEA includes at least 10 other LEAs (excluding significantly impacted LEAs), it will be the eligible applicant LEA's new group of generally comparable LEAs. The SEA computes the LCR for the eligible applicant LEA using the data for all of the LEAs in the subgroup except the eligible applicant LEA.

Example 1. An eligible applicant LEA contains a designated economically depressed area, and the SEA, in consultation with the LEA, identifies ''economically depressed area'' as an additional factor of general comparability. From the group of LEAs under § 222.39(a)(2) that includes the eligible applicant LEA, the SEA identifies two subgroups, those LEAs that contain a designated economically depressed area and those that do not. The entire subgroup identified by the SEA that includes the eligible applicant LEA is that LEA's new group of generally comparable LEAs if it contains at least 10 LEAs.

(ii) After the SEA identifies all of the LEAs in the group to which the eligible applicant LEA belongs under § 222.39(a)(2) that share the factor or factors, the SEA then systematically orders by ADA all of the LEAs in the group that includes the eligible applicant LEA. The SEA may further divide the ordered LEAs into subgroups by using logical division points (*e.g.,* the median, quartiles, or standard deviations) or a continuous interval of the ordered LEAs (*e.g.,* a percentage or a numerical range). If the subgroup containing the eligible applicant LEA includes at least 10 other LEAs (excluding significantly impacted LEAs), it will be the eligible applicant LEA's new group of generally comparable LEAs. The SEA computes the LCR for the eligible applicant LEA using the data for all of the LEAs in the

subgroup except the eligible applicant LEA.

Example 2. An eligible applicant LEA serves an unusually high percentage of children with disabilities, and the SEA, in consultation with the LEA, identifies ''proportion of children with disabilities'' as an additional comparability factor. From the group of LEAs under § 222.39(a)(2) that includes the eligible applicant LEA, the SEA lists the LEAs in descending order according to the percentage of children with disabilities enrolled in each of the LEAs. The SEA divides the list of LEAs into four groups containing equal numbers of LEAs. The group containing the eligible applicant LEA is that LEA's new group of generally comparable LEAs if it contains at least 10 LEAs.

(iii) The SEA may apply more than one factor of general comparability in identifying a new group of 10 or more generally comparable LEAs for the eligible applicant LEA. If the subgroup containing the eligible applicant LEA includes at least 10 other LEAs (excluding significantly impacted LEAs), it will be the eligible applicant LEA's new group of generally comparable LEAs. The SEA computes the LCR for the eligible applicant LEA using the data from all of the LEAs in the subgroup except the eligible applicant LEA.

Example 3. An eligible applicant LEA is very sparsely populated and serves an unusually high percentage of children with limited English proficiency. The SEA, in consultation with the LEA, identifies ''sparsity of population'' and ''proportion of children with limited English proficiency'' as additional comparability factors. From the group of LEAs under § 222.39(a)(2) that includes the eligible applicant LEA, the SEA identifies all LEAs that are sparsely populated. The SEA further subdivides the sparsely populated LEAs into two groups, those that serve an unusually high percentage of children with limited English proficiency and those that do not. The subgroup of at least 10 sparsely populated LEAs that serve a high percentage of children with limited English proficiency is the eligible applicant LEA's new group of generally comparable LEAs.

(e)(1) Using the new group of generally comparable LEAs selected under paragraph (d) of this section, the SEA computes the LCR for the eligible applicant LEA according to the provisions of § 222.41.

(2) The SEA certifies the resulting LCR by submitting that LCR to the Secretary and providing the Secretary a description of the additional factor or factors of general comparability and the data used to identify the new group of generally comparable LEAs.

(3) The Secretary reviews the data submitted by the SEA, and accepts the LCR for the purpose of use under section 8003(b)(1)(C)(iii) in determining the LEA's maximum payment under section 8003 if the Secretary determines that it meets the purposes and requirements of the Act and this part.

(Authority: 20 U.S.C. 7703(b)(1)(C)(iii))

■ 21–22. Section 222.41 is amended by revising the section heading, the introductory text, and paragraph (d) to read as follows:

§ 222.41 How does a State educational agency compute and certify local contribution rates based upon generally comparable local educational agencies?

Except as otherwise specified in the Act, the SEA, subject to the Secretary's review and approval, computes and certifies an LCR for each group of generally comparable LEAs within its State that was identified using the factors in § 222.39, and § 222.40 if appropriate, as follows:

* * * * *

(d) The SEA certifies the resulting figure for each group as the LCR for that group of generally comparable LEAs to be used by the Secretary under section 8003(b)(1)(C)(iii) in determining the LEA's maximum payment amount under section 8003.

* * * * *

■ 23. Section 222.43 is added to read as follows:

§ 222.43 What requirements must a local educational agency meet in order to be eligible for financial assistance under section 8003(b)(1)(F) due to unusual geographic features?

An LEA is eligible for financial assistance under section 8003(b)(1)(F) if the Secretary determines that the LEA meets all of the following requirements—

(a)(1) The LEA is eligible for a basic support payment under section 8003(b), including meeting the maintenance of effort requirements in section 8003(g) of the Act;

(2) The LEA timely applies for assistance under section 8003(b)(1)(F) and meets all other requirements of subparts A and C;

(3) The LEA is meeting the tax rate requirement in § 222.68(c) and the other applicable requirements of §§ 222.68 through 222.72; and

(4) The LEA is not in a State that takes the LEA's payment under section 8003(b)(1)(F) into account in an equalization program that qualifies under section 8009 of the Act.

(b)(1) As part of its section 8003 application, the LEA indicates in writing that it wishes to apply for an ''unusual geographic'' payment and it will provide the Secretary with documentation upon request that demonstrates that the LEA is unable to provide a level of education equivalent to that provided by its generally comparable LEAs because—

(i) The applicant's current expenditures are affected by unusual geographic factors; and

(ii) As a result, those current expenditures are not reasonably comparable to the current expenditures of its generally comparable LEAs.

(2) The LEA's documentation must include—

(i) A specific description of the unusual geographic factors on which the applicant is basing its request for compensation under this section and objective data demonstrating that the applicant is more severely affected by the factors than any other LEA in its State;

(ii) Objective data demonstrating the specific ways in which the unusual geographic factors affect the applicant's current expenditures so that they are not reasonably comparable to the current expenditures of its generally comparable LEAs;

(iii) Objective data demonstrating the specific ways in which the unusual geographic factors prevent the applicant from providing a level of education equivalent to that provided by its generally comparable LEAs; and

(iv) Any other information that the Secretary may require to make an eligibility determination under this section.

(Authority: 20 U.S.C. 7703(b)(1)(F))

■ 23–24. Section 222.44 is added to read as follows:

§ 222.44 How does the Secretary determine a maximum payment for local educational agencies that are eligible for financial assistance under section 8003(b)(1)(F) and § 222.43?

The Secretary determines a maximum payment under section 8003(b)(1)(F) for an eligible LEA, using data from the third preceding fiscal year, as follows:

(a) Subject to paragraph (b) of this section, the Secretary increases the eligible LEA's local contribution rate (LCR) for section 8003(b) payment purposes to the amount the Secretary determines will compensate the applicant for the increase in its current expenditures necessitated by the unusual geographic factors identified under § 222.43(b)(2).

(b) The Secretary does not increase the LCR under this section to an amount that is more than—

(1) Is necessary to allow the applicant to provide a level of education equivalent to that provided by its generally comparable LEAs; or

(2) The per pupil share for all children in ADA of the increased current expenditures necessitated by the unusual geographic factors identified under § 222.43, as determined by the Secretary.

(Authority: 20 U.S.C. 7703(b)(1)(F))

■ 25. Section 222.50 is revised to read as follows:

§ 222.50 What definitions apply to this subpart?

In addition to the terms referenced or defined in § 222.2, the following definitions apply to this subpart:

Child with a disability as defined in 34 CFR 300.8.

Early intervention services as defined in 34 CFR 303.13.

Free appropriate public education or *FAPE* as defined in 34 CFR 300.17.

Individualized education program or *IEP* as defined in 34 CFR 300.22.

Individualized family service plan or *IFSP* as defined in 34 CFR 303.20.

Infant or toddler with a disability as defined in 34 CFR 303.21.

Infants, toddlers, and children with disabilities, for these regulations, means both a ''child with a disability'' as defined in 34 CFR 300.8 and an ''infant or toddler with a disability'' as defined in 34 CFR 303.21.

Related services as defined in 34 CFR 300.34.

Special education as defined in 34 CFR 300.39.

(Authority: 20 U.S.C. 1401, 1414, 1432, 1436, 7703, 7705, 7713; 34 CFR parts 300 and 303)

■ 26. Section 222.51 is revised to read as follows:

§ 222.51 Which children may a local educational agency count for payment under section 8003(d) of the Act?

(a) An LEA may count children described in sections 8003(a)(1)(A)(ii), (a)(1)(B), (a)(1)(C), and (a)(1)(D) of the Act who are eligible for services under the provisions of Part B or Part C of the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*) (IDEA), for the purpose of computing a payment under section 8003(d) in accordance with the provisions of this section.

(b)(1) An LEA may count a child with a disability described in paragraph (a) of this section who attends a private school or residential program if the LEA has placed or referred the child in accordance with the provisions of section 613 of the IDEA and 34 CFR part 300, subparts C and D.

(2) An LEA may not count a child with a disability described in paragraph (a) of this section who is placed in a private school by his or her parents, but that child may participate in public school programs that use section 8003(d) funds.

(c) An LEA may count infants and toddlers with disabilities described in paragraph (a) of this section if—

(1) The LEA provides early intervention services or FAPE to each of those children—

(i) Either directly or through an arrangement with another entity; and

(ii) The State does not charge a fee or other out-of-pocket cost to the child's parents under the State's system of payments on file with the Secretary required under 34 CFR 303.203(b)(1), 303.520, and 303.521, and there is no other cost to the child's parents (the costs of premiums do not count as out-of-pocket costs); and

(2) Each of those children has an IFSP or IEP (as appropriate).

(Authority: 20 U.S.C. 1400 *et seq.* and 7703(d))

■ 27. Section 222.52 is amended by revising paragraph (b) to read as follows:

§ 222.52 What requirements must a local educational agency meet to receive a payment under section 8003(d)?

* * * * *

(b) Have in effect written IEPs or IFSPs for all federally connected children with disabilities it claims under section 8003(d); and

* * * * *

■ 28. Section 222.53 is amended by:

■ A. In paragraph (a), removing the phrase ''part 300'' and adding in its place the phrase ''parts 300 and 303''.

■ B. Revising paragraph (c)(1).

■ C. In paragraph (c)(2) introductory text, adding '', and early intervention services for,'' following the words ''public education of''.

■ D. In paragraphs (c)(2)(i) and (ii), adding '', or early intervention services for,'' following the words ''public education of''.

■ E. In paragraph (d)(2) introductory text adding the phrase ''and for early intervention services'' following ''special education and related services''.

■ F. In paragraph (d)(2)(i), adding the phrase ''and for early intervention services'' following ''special education and related services''.

■ G. In paragraph (d)(3), adding the phrase ''and for early intervention services'' following ''special education and related services''.

The revision reads as follows:

§ 222.53 What restrictions and requirements apply to the use of funds provided under section 8003(d)?

* * * * *

(c) * * *

(1) Expenditures that are reasonably related to the conduct of programs or projects for the free appropriate public education of, or early intervention services for, federally connected children with disabilities, which may include—

(i) Program planning and evaluation; and

(ii) Construction of or alteration to existing school facilities, but only when in accordance with section 605 of the IDEA and when the Secretary authorizes in writing those uses of funds.

* * * * *

§ 222.54 [Amended]

■ 29. Section 222.54 is amended by adding '', and for early intervention services,'' in paragraph (b) following ''all funds for programs''.

§ 222.55 [Amended]

■ 30. Section 222.55 is amended by removing the phrase ''part 300'' and adding, in its place, the phrase ''parts 300 and 303''.

■ 31. Subpart E is revised to read as follows:

Subpart E—Payments for Heavily Impacted Local Educational Agencies Under Section 8003(b)(2) of the Act

Sec.

222.60 What are the scope and purpose of this subpart?
222.61 What data are used to determine a local educational agency's eligibility under section 8003(b)(2) of the Act?
222.62 How are local educational agencies determined eligible under section 8003(b)(2)?
222.63 When is a local educational agency eligible as a continuing applicant for payment under section 8003(b)(2)(B)?
222.64 When is a local educational agency eligible as a new applicant for payment under section 8003(b)(2)(C)?
222.65 What other requirements must a local educational agency meet to be eligible for financial assistance under section 8003(b)(2)?
222.66 How does a local educational agency lose and resume eligibility under section 8003(b)(2)?
222.67 How may a State aid program affect a local educational agency's eligibility for assistance under section 8003(b)(2)?
222.68 How does the Secretary determine whether a fiscally independent local educational agency meets the applicable tax rate requirement?
222.69 What tax rates does the Secretary use if real property is assessed at different percentages of true value?

222.70 What tax rates does the Secretary use if two or more different classifications of real property are taxed at different rates?
222.71 What tax rates may the Secretary use if substantial local revenues are derived from local tax sources other than real property taxes?
222.72 How does the Secretary determine whether a fiscally dependent local educational agency meets the applicable tax rate requirement?
222.73 What information must the State educational agency provide?
222.74 How does the Secretary identify generally comparable local educational agencies for purposes of section 8003(b)(2)?
222.75 How does the Secretary compute the average per pupil expenditure of generally comparable local educational agencies under this subpart?
222.76–222.79 [Reserved]

Subpart E—Payments for Heavily Impacted Local Educational Agencies Under Section 8003(b)(2) of the Act

§ 222.60 What are the scope and purpose of this subpart?

The regulations in this subpart implement section 8003(b)(2) of the Act, which provides financial assistance to certain heavily impacted local educational agencies (LEAs). The specific eligibility requirements are detailed in §§ 222.62 through 222.66.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.61 What data are used to determine a local educational agency's eligibility under section 8003(b)(2) of the Act?

(a) Computations and determinations made with regard to an LEA's eligibility under section 8003(b)(2) in §§ 222.61 through 222.66 of these regulations are based on the LEA's final student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which it seeks assistance.

(b) Except for an LEA described in § 222.64(a)(3)(ii), the LEAs used for meeting the applicable tax rate requirement are the comparable LEAs that are identified in § 222.74 or all LEAs in the applicant's State.

(c) As used in this subpart, the phrase ''tax rate for general fund purposes'' means ''local real property tax rates for current expenditures purposes'' as defined in § 222.2. ''Current expenditures'' is defined in section 8013(4) of the ESEA.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.62 How are local educational agencies determined eligible under section 8003(b)(2)?

(a) An LEA that is eligible to apply for a ''continuing'' heavily impacted payment under section 8003(b)(2)(B) is one that received an additional assistance payment under section 8003(f) for fiscal year 2000 and that meets eligibility requirements specified in § 222.63.

(b) An LEA that is eligible to apply for a ''new'' heavily impacted payment under section 8003(b)(2)(C) is one that did not receive an additional assistance payment under section 8003(f) for fiscal year 2000 and that meets eligibility requirements specified in § 222.64 for two consecutive application years.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.63 When is a local educational agency eligible as a continuing applicant for payment under section 8003(b)(2)(B)?

A continuing heavily impacted LEA must have—

(a) The same boundaries as those of a Federal military installation;

(b)(1) An enrollment of federally connected children described in section 8003(a)(1) equal to at least 35 percent of the total number of children in average daily attendance (ADA) in the LEA;

(2) A per pupil expenditure (PPE) that is less than the average PPE of the State in which the LEA is located or of all the States, whichever PPE is greater (except that an LEA with a total student enrollment of less than 350 students shall be determined to have met the PPE requirement); and

(3) A tax rate for general fund purposes of at least 95 percent of the average tax rate of comparable LEAs identified under § 222.74 or all LEAs in the applicant's State;

(c)(1) An enrollment of federally connected children described in section 8003(a)(1) equal to at least 30 percent of the total number of children in ADA in the LEA; and

(2) A tax rate for general fund purposes of at least 125 percent of the average tax rate of comparable LEAs identified under §§ 222.39–40 or of all LEAs in the applicant's State; or

(d) A total enrollment of at least 25,000 students, of which at least 50 percent are children described in section 8003(a)(1) and at least 6,000 of such children are children described in section 8003(a)(1)(A) and (B).

(Authority: 20 U.S.C. 7703(b)(2)(B))

§ 222.64 When is a local educational agency eligible as a new applicant for payment under section 8003(b)(2)(C)?

A new heavily impacted LEA must have—

(a)(1)(i) Federally connected children equal to at least 50 percent of the total number of children in average daily attendance (ADA) in the LEA if children described in section 8003(a)(1)(F)–(G) are eligible to be counted for a section 8003(b)(1) payment; or

(ii) Federally connected children equal to at least 40 percent of the total number of children in ADA if children described in section 8003(a)(1)(F)–(G) are not eligible to be counted for a section 8003(b)(1) payment; and

(2)(i) If the LEA has a total ADA of more than 350 children,

(A) A per pupil expenditure (PPE) that is less than the average of the State in which the LEA is located; and

(B) A tax rate for general fund purposes equal to at least 95 percent of the average tax rate of comparable LEAs identified in § 222.74 or of all LEAs in the applicant's State; or

(ii) If the LEA has a total ADA of less than 350 children,

(A) A PPE that is less than the average PPE of one or three generally comparable LEAs identified in § 222.74(b); and

(B) A tax rate equal to at least 95 percent of the average tax rate of one or three generally comparable LEAs identified in § 222.74(b);

(b) The same boundaries as those of a Federal military installation; or

(c)(1) The same boundaries as island property held in trust by the Federal government;

(2) No taxing authority; and

(3) Received a payment under section 8003(b)(1) for fiscal year 2001.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.65 What other requirements must a local educational agency meet to be eligible for financial assistance under section 8003(b)(2)?

Subject to § 222.66, an LEA described in § 222.63 or § 222.64 is eligible for financial assistance under section 8003(b)(2) if the Secretary determines that the LEA meets the following requirements:

(a) The LEA timely applies for assistance under section 8003(b)(2) and meets all of the other application and eligibility requirements of subparts A and C of these regulations.

(b) Except for an LEA described in § 222.63(a) or (d), or § 222.64(b) or (c), the LEA meets the applicable tax rate requirement in accordance with the procedures and requirements of §§ 222.68 through 222.74.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.66 How does a local educational agency lose and resume eligibility under section 8003(b)(2)?

(a) A continuing heavily impacted LEA that fails to meet the eligibility requirements in § 222.63 in any fiscal year or a new heavily impacted LEA that received a section 8003(b)(2)

payment but then fails to meet the eligibility requirements in § 222.64 will still receive a heavily impacted payment in the first year of ineligibility, based on the number of children in ADA that would be counted for that application if the LEA were eligible.

(b)(1) A continuing heavily impacted LEA may resume eligibility for a heavily impacted payment if it applies in the fiscal year preceding the year for which it seeks eligibility and it meets the eligibility requirements in § 222.63 for both fiscal years.

(2) In the first fiscal year that a continuing heavily impacted LEA qualifies to resume eligibility, it cannot receive a heavily impacted payment but instead will receive a basic support payment under section 8003(b)(1) for that year.

Example:

CONTINUING LEA

In Federal Fiscal Years (FFYs) 1 and 2, a continuing LEA is eligible for a section 8003(b)(2) payment. In FFY 3, the LEA applies but is ineligible for section 8003(b)(2). However, it will still receive a payment under section 8003(b)(2) for FFY 3 (a ''hold harmless'' payment under § 222.66(a)). For FFY 4, the LEA applies and meets the requirements. The LEA is not eligible to receive a section 8003(b)(2) payment in FFY 4 but is instead eligible for a section 8003(b)(1) payment (see § 222.66(b)). In FFY 5, the LEA applies, meets the requirements, and receives a section 8003(b)(2) payment. The LEA not only must apply one year in advance and meet the section 8003(b)(2) requirements (FFY 4) but it must apply and meet the requirements for the subsequent FFY (year 5). The effects of these requirements on a continuing applicant's status and payments are summarized in the table below.

CONTINUING LEAS

	FFY 1	FFY 2	FFY 3	FFY 4	FFY 5
8003(b)(2) Eligibility	*Yes*	*Yes*	*No*	*Yes*	*Yes*
Payment Type	(b)(2)	(b)(2)	(b)(2) Hold Harmless.	(b)(1)	(b)(2)

(c) A new heavily impacted LEA may resume eligibility for a heavily impacted payment if it meets the eligibility requirements in § 222.64 for the fiscal year for which it seeks a payment.

Example:

NEW LEA

A new LEA applies for a section 8003(b)(2) payment and meets the applicable eligibility criteria. The LEA does not receive a section 8003(b)(2) payment in FFY 1 and it must apply and meet the requirements again in FFY 2 before it can receive a (b)(2) payment (see § 222.62(b)). If that new district is then ineligible for a year, it can regain eligibility only if it meets the applicable criteria in a subsequent year. For example, if a new LEA loses its section 8003(b)(2) eligibility in FFY 3 because its tax rate dropped to 94 percent of the average tax rate of comparable districts in the State, that LEA is still entitled to receive a payment under section 8003(b)(2) in FFY 3 if it applies for such payment (a ''hold harmless'' payment under § 222.66(a)). Then if the LEA applies in FFY 4 and meets the eligibility requirement under section 8003(b)(2), it is once again eligible to receive a section 8003(b)(2) payment (see § 222.66(c)). The effects of these requirements on a new applicant's status and payments are summarized in the table below.

NEW LEAS

	FFY 1	FFY 2	FFY 3	FFY 4	FFY 5
8003(b)(2) Eligibility	*Yes*	*Yes*	*No*	*Yes*	*Yes*
Payment Type	(b)(1)	(b)(2)	(b)(2) Hold Harmless.	(b)(2)	(b)(2)

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.67 How may a State aid program affect a local educational agency's eligibility for assistance under section 8003(b)(2)?

The Secretary determines that an LEA is not eligible for financial assistance under section 8003(b)(2) if—

(a) The LEA is in a State that has an equalized program of State aid that meets the requirements of section 8009; and

(b) The State, in determining the LEA's eligibility for or amount of State aid, takes into consideration the portion of the LEA's payment under section 8003(b)(2) that exceeds what the LEA would receive under section 8003(b)(1).

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.68 How does the Secretary determine whether a fiscally independent local educational agency meets the applicable tax rate requirement?

(a) To determine whether a fiscally independent LEA, as defined in § 222.2(c), meets the applicable tax rate requirement in §§ 222.63(b)(3), 222.63(c)(2), and 222.64(a)(3), the Secretary compares the LEA's local real property tax rate for current expenditure purposes, as defined in § 222.2(c) (referred to in this part as ''tax rate'' or ''tax rates''), with the tax rates of its generally comparable LEAs.

(b) For purposes of this section, the Secretary uses—

(1) The actual tax rate if all the real property in the LEA and its generally comparable LEAs is assessed at the same percentage of true value; or

(2) Tax rates computed under §§ 222.69–222.71.

(c) The Secretary determines that an LEA described in §§ 222.63(b), 222.63(c), or 222.64(a) meets the applicable tax rate requirement if—

(1) The LEA's tax rate is equal to at least 95 percent (or 125 percent under 222.63(c)) of the average tax rate of its generally comparable LEAs;

(2) Each of the LEA's tax rates for each classification of real property is equal to at least 95 percent (or 125 percent under 222.63(c)) of each of the average tax rates of its generally comparable LEAs for the same classification of property;

(3) The LEA taxes all of its real property at the maximum rates allowed by the State, if those maximum rates apply uniformly to all LEAs in the State

and the State does not permit any rates higher than the maximum; or

(4) The LEA has no taxable real property.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.69 What tax rates does the Secretary use if real property is assessed at different percentages of true value?

If the real property of an LEA and its generally comparable LEAs consists of one classification of property but the property is assessed at different percentages of true value in the different LEAs, the Secretary determines whether the LEA meets the applicable tax rate requirement under § 222.68(c)(1) by using tax rates computed by—

(a) Multiplying the LEA's actual tax rate for real property by the percentage of true value assigned to that property for tax purposes; and

(b) Performing the computation in paragraph (a) of this section for each of its generally comparable LEAs and determining the average of those computed tax rates.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.70 What tax rates does the Secretary use if two or more different classifications of real property are taxed at different rates?

If the real property of an LEA and its generally comparable LEAs consists of two or more classifications of real property taxed at different rates, the Secretary determines whether the LEA meets the applicable tax rate requirement under § 222.68(c)(1) or (2) by using one of the following:

(a) Actual tax rates for each of the classifications of real property.

(b) Tax rates computed in accordance with § 222.69 for each of the classifications of real property.

(c) Tax rates computed by—

(1) Determining the total true value of all real property in the LEA by dividing the assessed value of each classification of real property in the LEA by the percentage of true value assigned to that property for tax purposes and aggregating the results;

(2) Determining the LEA's total revenues derived from local real property taxes for current expenditures (as defined in section 8013);

(3) Dividing the amount determined in paragraph (c)(2) of this section by the amount determined in paragraph (c)(1) of this section; and

(4) Performing the computations in paragraphs (c)(1), (2), and (3) of this section for each of the generally comparable LEAs and then determining the average of their computed tax rates.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.71 What tax rates may the Secretary use if substantial local revenues are derived from local tax sources other than real property taxes?

(a) In a State in which a substantial portion of revenues for current expenditures for educational purposes is derived from local tax sources other than real property taxes, the State educational agency (SEA) may request that the Secretary take those revenues into account in determining whether an LEA in that State meets the applicable tax rate requirement under § 222.68.

(b) If, based upon the request of an SEA, the Secretary determines that it is appropriate to take the revenues described in paragraph (a) of this section into account in determining whether an LEA in that State meets the applicable tax rate requirement under § 222.68, the Secretary uses tax rates computed by—

(1) Dividing the assessed value of each classification of real property in the LEA by the percentage of true value assigned to that property for tax purposes and aggregating the results;

(2) Determining the LEA's total revenues derived from local tax sources for current expenditures (as defined in section 8013);

(3) Dividing the amount determined in paragraph (b)(2) of this section by the amount determined in paragraph (b)(1) of this section; and

(4) Performing the computations in paragraphs (b)(1), (2), and (3) of this section for each of the generally comparable LEAs and then determining the average of those computed tax rates.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.72 How does the Secretary determine whether a fiscally dependent local educational agency meets the applicable tax rate requirement?

(a) If an LEA is fiscally dependent, as defined in § 222.2(c), the Secretary compares the LEA's imputed local tax rate, calculated under paragraph (b) of this section, with the average tax rate of its generally comparable LEAs, calculated under paragraph (c) of this section, to determine whether the LEA meets the applicable tax rate requirement.

(b) The Secretary imputes a local tax rate for a fiscally dependent LEA by—

(1) Dividing the assessed value of each classification of real property within the boundaries of the general government by the percentage of true value assigned to that property for tax purposes and aggregating the results;

(2) Determining the amount of locally derived revenues made available by the general government for the LEA's current expenditures (as defined in section 8013); and

(3) Dividing the amount determined in paragraph (b)(2) of this section by the amount determined in paragraph (b)(1) of this section.

(c) The Secretary performs the computations in paragraph (b) of this section for each of the fiscally dependent generally comparable LEAs and the computations in §§ 222.68 through 222.71, whichever is applicable, for each of the fiscally independent generally comparable LEAs and determines the average of all those tax rates.

(d) The Secretary determines that a fiscally dependent LEA described in § 222.63(b) or § 222.64(a) meets the applicable tax rate requirement if its imputed local tax rate is equal to at least 95 percent of the average tax rate of its generally comparable LEAs.

(e) The Secretary determines that a fiscally dependent LEA described in § 222.63(c) meets the applicable tax rate requirement if its imputed local tax rate is equal to at least 125 percent of the average tax rate of its generally comparable LEAs.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.73 What information must the State educational agency provide?

The SEA of any State with an LEA applying for assistance under section 8003(b)(2) shall provide the Secretary with relevant information necessary to determine the PPE for all LEAs in the State and whether the LEA meets the applicable tax rate requirement under this subpart.

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.74 How does the Secretary identify generally comparable local educational agencies for purposes of section 8003(b)(2)?

(a) Except as otherwise provided in paragraph (b) of this section, the Secretary identifies generally comparable LEAs for purposes of this subpart in accordance with the local contribution rate procedures described in §§ 222.39 through 222.40.

(b) For applicant LEAs described in § 222.64(a)(2)(ii) and (a)(3)(ii), to identify the one or three generally comparable LEAs, the Secretary uses the following procedures:

(1) The Secretary asks the SEA of the applicant LEA to identify generally comparable LEAs in the State by first following the directions in § 222.39(a)(4), using data from the preceding fiscal year. The SEA then removes from the resulting list any LEAs that are significantly impacted, as described in § 222.39(b)(1), except the applicant LEA.

(2) If the remaining LEAs are not in rank order by total ADA, the SEA lists them in that order.

(3) The LEA may then select as its generally comparable LEAs, for purposes of section 8003(b)(2) only, one or three LEAs from the list that are closest to it in size as determined by total ADA (*i.e.,* the next one larger or the next one smaller, or the next three larger LEAs, the next three smaller, the next two larger and the next one smaller, or the next one larger and the next two smaller).

(Authority: 20 U.S.C. 7703(b)(2))

§ 222.75 How does the Secretary compute the average per pupil expenditure of generally comparable local educational agencies under this subpart?

For applicant LEAs described in § 222.64(a)(2)(ii), the Secretary computes average per pupil expenditures (APPE) by dividing the sum of the total current expenditures for the third preceding fiscal year for the identified generally comparable LEAs by the sum of the total ADA of those LEAs for the same fiscal year.

(Authority: 20 U.S.C. 7703(b)(2))

§§ 222.76–222.79 [Reserved]

Subpart F [Removed and Reserved]

■ 32. Subpart F, consisting of §§ 222.80 through 222.85, is removed and reserved.

§ 222.151 [Amended]

■ 33. Section 222.151 is amended by:
■ A. In paragraph (a), removing the phrase ''or Pub. L. 81–874''.
■ B. In paragraph (b)(1), removing the number ''30'' and adding in its place the number ''60''.

§ 222.152 [Amended]

■ 34. Section 222.152 is amended in paragraphs (a)(1) and (c) by removing the phrase ''or Pub. L. 81–874'' from each of those paragraphs.
■ 35. Section 222.153 is amended by revising paragraph (a) to read as follows:

§ 222.153 How must a local educational agency request an administrative hearing?

* * * * *

(a)(1) If it mails the hearing request, address it to the Secretary, c/o Director, Impact Aid Program, Room 3E105, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202–6244;

(2) If it hand-delivers the hearing request, deliver it to the Director, Impact Aid Program, Room 3E105, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202–6244; or

(3) If it emails the hearing request, send it to *Impact.Aid@ed.gov.*

Note to paragraph (a): The Secretary encourages applicants requesting an Impact Aid hearing to mail or email their requests. Because of enhanced security procedures, building access for non-official staff may be limited. Applicants should be prepared to mail their hearing requests if they or their courier are unable to obtain access to the building.

* * * * *

§ 222.159 [Amended]

■ 36. Section 222.159 is amended by removing the phrase ''60 days'' and adding, in its place, the phrase ''30 working days (as determined by the LEAs or State)''.
■ 37. Section 222.161 is amended by:
■ A. Revising paragraph (a)(1)(ii).
■ B. Removing paragraph (a)(1)(iii).
■ C. Revising paragraph (a)(5).
■ D. In paragraph (c), amending paragraph (4) of the definition of ''current expenditures'' by adding the word ''or'' after the semicolon.
■ E. In paragraph (c), amending paragraph (5) of the definition of ''current expenditures'' by removing the phrase ''or under Pub. L. 81–874'' and removing ''; or'' and adding in its place a period.
■ F. In paragraph (c), removing paragraph (6) of the definition of ''current expenditures''.

The revisions read as follows:

§ 222.161 How is State aid treated under section 8009 of the Act?

(a) * * *

(1) * * *

(ii) A State may not take into consideration—

(A) That portion of an LEA's payment that is generated by the portion of a weight in excess of one under section 8003(a)(2)(B) of the Act (children residing on Indian lands);

(B) Payments under section 8003(d) of the Act (children with disabilities); or

(C) The amount that an LEA receives under section 8003(b)(2) that exceeds the amount the LEA would receive if eligible under section 8003(b)(1) and not section 8003(b)(2) (heavily impacted LEAs).

* * * * *

(5) A State may not take into consideration payments under the Act before its State aid program has been certified by the Secretary.

* * * * *

§ 222.163 [Amended]

■ 38. Section 222.163 is amended by:
■ A. In paragraph (a), removing the phrase ''and Pub. L. 81–874''.
■ B. In paragraph (c), removing the phrase ''and Pub. L. 81–874'' and ''or payments under Pub. L. 81–874''.

§ 222.165 [Amended]

■ 39. Section 222.165 is amended in paragraph (a)(1) by removing the number ''30'' and adding in its place the number ''60''.

§ 222.175 [Amended]

■ 40. Section 222.175 is amended by:
■ A. Removing paragraphs (a)(4) and (8) and redesignating paragraphs (a)(5) through (7) as paragraphs (a)(4) through (6), respectively.
■ B. Redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b).

The addition reads as follows:

§ 222.175 What regulations apply to recipients of funds under this program?

* * * * *

(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, and 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.

* * * * *

[FR Doc. 2015–14213 Filed 6–10–15; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 2 and 7

[Docket No. PTO–T–2013–0027]

RIN 0651–AC89

Changes in Requirements for Collective Trademarks and Service Marks, Collective Membership Marks, and Certification Marks

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (''USPTO'') is amending the rules related to collective trademarks, collective service marks, and collective membership marks (together ''collective marks''), and certification marks to clarify application requirements, allegations of use requirements, multiple-class application requirements, and registration maintenance requirements for such

marks. These rule changes codify current USPTO practice set forth in the USPTO's ''Trademark Manual of Examining Procedure'' (''TMEP'') and precedential case law. These changes also permit the USPTO to provide the public more detailed guidance regarding registering and maintaining registrations for these types of marks and promote the efficient and consistent processing of such marks. Further, the USPTO is amending several rules beyond those related to collective marks and certification marks to create consistency with rule changes regarding such marks and to streamline the rules, by consolidating text and incorporating headings, for easier use.

DATES: This rule is effective on July 11, 2015.

FOR FURTHER INFORMATION CONTACT: Cynthia Lynch, Office of the Deputy Commissioner for Trademark Examination Policy, at (571) 272–8742 or *tmpolicy@uspto.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary: Purpose: As noted above, the revised rules benefit the public by providing more comprehensive and specific guidance regarding registering collective marks and certification marks. The current rules incorporate by reference the trademark and service mark application rules; however, wording in the trademark and service mark application rules sometimes may not be specifically suited to collective and certification mark applications. Therefore, the USPTO is revising the rules in parts 2 and 7 of title 37 of the Code of Federal Regulations to codify current USPTO practice in TMEP sections 1302, 1303 *et seq.,* 1304, and 1306, and to state clearly and provide sufficient detail regarding the requirements for collective and certification mark applications. The USPTO is also harmonizing registration maintenance requirements with application requirements where appropriate.

Further, rule changes beyond those related to collective marks and certification marks provide consistency with changes made regarding those marks and streamline the rules, by consolidating text and incorporating headings, for easier use.

To provide additional context for the ensuing discussion of the amended and revised rules regarding collective marks and certification marks, the following is a brief description of those types of marks.

There are two types of collective marks as defined by section 45 of the Trademark Act of 1946, as amended (''the Act''): (1) collective trademarks or collective service marks; and (2) collective membership marks. 15 U.S.C. 1127. A collective trademark or collective service mark is used by members of a collective organization to identify and distinguish their goods or services from those of nonmembers. TMEP section 1303. By contrast, collective membership marks are used by members of a collective organization to indicate membership in the collective membership organization. TMEP section 1304.02.

Certification marks are used by authorized users to indicate the following: (1) goods or services have been certified as to quality, materials, or mode of manufacture; (2) goods or services have been certified to originate in a specific geographic region; and/or (3) the work or labor on goods or for services was certified to have been performed by a member of a union or other organization, or to certify that the performer meets certain standards. TMEP section 1306.01. A certification mark is similar to a collective trademark or collective service mark except that the users are not members of a collective organization. *See* TMEP section 1306.09(a). That is, a collective trademark or collective service mark is used by members of an organization who meet the collective organization's standards of admission, while a certification mark is used by parties whose products or services meet the certifying organization's established standards.

Summary of Major Provisions: As stated above, the USPTO is revising the rules in parts 2 and 7 of title 37 of the Code of Federal Regulations to codify current USPTO practice in TMEP sections 1302, 1303 *et seq.,* 1304, and 1306, and to state clearly, and provide additional detail regarding, the requirements for collective and certification mark applications, as well as to harmonize registration maintenance requirements with application requirements where appropriate. Further, the USPTO is revising additional rules within these parts for consistency and clarity.

Costs and Benefits: This rulemaking is not economically significant under Executive Order 12866 (Sept. 30, 1993).

Proposed Rule and Request for Comments

The proposed rule was published in the **Federal Register** on February 20, 2014, at 79 FR 9678, and in the *Official Gazette* on April 8, 2014. The USPTO received comments from two intellectual property organizations. These comments are posted on the USPTO's Web site at *http://www.uspto.gov/trademarks/law/Fr_Notice_comments.jsp* and are addressed below.

The following rules are amended: §§ 2.2, 2.20, 2.22, 2.32–2.35, 2.41–2.42, 2.44–2.45, 2.56, 2.59, 2.71, 2.74, 2.76, 2.77, 2.86, 2.88–2.89, 2.146, 2.161, 2.167, 2.173, 2.175, 2.183, 2.193, 7.1, and 7.37.

Part 2: Rules of Practice in Trademark Cases

Rules Applicable to Trademark Cases

The USPTO is amending § 2.2, regarding definitions, and adding terms to this section to enable the deletion of repetitious wording in the rules wherever possible. Specifically, § 2.2(h) is amended to clarify that the definition of ''international application'' is limited to an application seeking an extension of protection of an international registration in an initial designation. Also, § 2.2(i) through (n) is added to set forth the following new definitions: *subsequent designation; holder; use in commerce* or *use of the mark in commerce; bona fide intention to use the mark in commerce; bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce;* and *verified statement, verify, verified,* or *verification.*

Declarations

The USPTO is revising § 2.20, regarding declarations in lieu of oaths, as follows: in the introductory text, delete ''verification'' to correspond with the definition of that term in § 2.2(n), and add the term ''declaration;'' in the second paragraph delete ''undersigned'' and replace it with ''signatory'' and delete ''document'' and replace it with ''submission.''

Application for Registration

The USPTO is amending § 2.22(a)(8) to delete the language ''and at *http://www.uspto.gov''* to codify current USPTO practice that the identification in a TEAS Plus application must be selected from the USPTO's ''U.S. Acceptable Identification of Goods and Services Manual'' available in the TEAS Plus application form.

The USPTO is amending the rule title of § 2.32 to ''Requirements for a complete trademark or service mark application.'' In addition, § 2.32(f) is added to cross-reference § 2.44 for the requirements for collective mark applications, and § 2.32(g) is added to cross-reference § 2.45 for the requirements for certification mark applications.

The USPTO is revising § 2.33, regarding verified statements for

trademarks or service marks, to ensure the language corresponds with other rules, including the definitions in § 2.2. Section 2.33 is also revised as follows: amend the rule title to ''Verified statement for a trademark or service mark;'' revise § 2.33(e)(1) to include language similar to the current rule, ''that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation;'' revise § 2.33(e)(3), to correspond with § 2.33(e)(1), and to amend ''international application/registration'' to ''international application/subsequent designation;'' and add § 2.33(f) to set forth the type of verified statement required for concurrent use applications under § 2.42. Further, in response to a comment submitted regarding § 2.34(a)(1)(i), the USPTO is amending § 2.33(c) slightly for purposes of consistency with § 2.34(a)(1)(i), (a)(2), (a)(3)(i), and (a)(4)(ii); § 2.44(b); and § 2.45(b).

The USPTO is amending § 2.34, regarding filing bases for trademark or service mark applications, to ensure the language corresponds with other rules, including the new definitions in § 2.2; to delete the definition of ''commerce'' in current § 2.34(c) as redundant of section 45 of the Act; and to correct a typographical error. Further, the rule title is amended to ''Bases for filing a trademark or service mark application.'' Section 2.34(a)(1)(iv) is also amended to delete ''actually'' as a redundant term for consistency with amendments to § 2.56(b)(2) and (c) regarding specimens, § 2.76(b)(2) regarding amendments to allege use, and § 2.88(b)(2) regarding statements of use. Lastly, § 2.34(b)(1)–(3) is revised by condensing the text in § 2.34(b), and adding the title ''More than one basis.''

Comment: One commenter noted that, in § 2.34(a)(1)(i) where the verification is not filed with the initial application, that rule appeared to require an applicant to aver that the mark ''has been'' in continuous use as of the application filing date; that is, when subsequently filing the verified statement, a declarant must affirm that the mark is in use as of the initial application filing date and has been in continuous use from that date until the date the verification is submitted. The commenter suggested retaining the language in the current rule and using ''was in use in commerce as of the application filing date.'' The commenter similarly noted that this comment applies to the subsections relating to applications filed under section 1(b) or 44 of the Act.

Response: The commenter's suggestion is adopted. The language in the current rule has always been interpreted as including a presumption that an applicant's use or bona fide intent is continuous after filing an application; thus, the current language is acceptable and sufficient to incorporate that presumption. Thus, the USPTO will retain ''was in use in commerce'' in § 2.34(a)(1)(i) and ''had a bona fide intention'' in § 2.34(a)(2), (a)(3)(i), and (a)(4)(ii). In addition, § 2.33(c), § 2.44(b), and § 2.45(b) are revised to correspond with the changes made to these subsections.

The USPTO is revising § 2.35, regarding adding, deleting, or substituting bases, to include the requirements for collective marks and certification marks for consistency with revisions made to § 2.44(c). Specifically, § 2.35 is amended as follows: in § 2.35(b)(1), add cross-references to § 2.44 and § 2.45 for requirements for a new basis in a collective or certification mark application; in § 2.35(b)(6), add ''or collective membership organization'' to indicate which goods, services, or organization the added or substituted basis will apply; in § 2.35(b)(7), add ''or collective membership organization'' to indicate which goods, services, or organization were covered by the deleted basis; and in § 2.35(b)(8), add text to clarify that an applicant may not amend an application to seek both sections 1(b) and 1(a) of the Act for identical goods or services or the same collective membership organization.

The USPTO is revising § 2.41, regarding proof of distinctiveness under section 2(f) of the Act, to specify the type of proof required to establish such a claim for trademarks, service marks, collective marks, and certification marks, and to make other changes consistent with current USPTO practice. Specifically, § 2.41 is revised as follows: in § 2.41(a), add the title ''For a trademark or service mark'' and set forth in § 2.41(a)(1)–(3) most of the current text in existing § 2.41; and in § 2.41(b), add the title ''For a collective trademark or collective service mark'' and set forth in § 2.41(b)(1)–(3) the requirements for collective trademarks or collective service marks. The following is also added to § 2.41: in § 2.41(c), set forth the requirements for collective membership marks; and in § 2.41(d), set forth the requirements for certification marks. Further, additional revisions in § 2.41 are added to correspond with the new definitions in § 2.2 and to include subsections with subheadings that set forth the three types of proof that can be submitted to establish distinctiveness under 15 U.S.C. 1052(f). In addition, § 2.41(a)(1), (c)(1), and (d)(1) add the term ''active'' to clarify and codify current USPTO practice, *see* TMEP section 1212.04(d), that evidence of distinctiveness must be based on ownership of an *active* prior registration on the Principal Register or under the Trademark Act of 1905. Further, § 2.41(a)(1) and (d)(1) clarify that such registration must be for goods or services sufficiently similar to those in the application, and § 2.41(c)(1) adds that the nature of the collective membership organization must be sufficiently similar to the collective membership organization in the application, such that these requirements in § 2.41(a)(1), (d)(1), and (c)(1) codify precedential case law and current USPTO practice. *See In re Dial-A-Mattress Operating Corp.,* 240 F.3d 1341, 1347, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001), *In re Rogers,* 53 USPQ2d 1741, 1744 (TTAB 1999), TMEP sections 1212.04(c), 1212.09(a). Lastly, § 2.41(e) excludes from § 2.41(d) geographic matter in certification marks certifying regional origin, because 15 U.S.C. 1052(e)(2) does not apply to such terms. *See* TMEP section 1306.02.

Comment: One commenter suggested that § 2.41(e) be revised to clarify further that, although geographic indications are considered certification marks, § 2.41(d) does not apply to geographic indications of origin. The commenter suggested revising § 2.41(e) as follows: ''Paragraph (d) does not apply to geographical matter in a certification mark certifying regional origin because section 2(e)(2) of the Act does not apply to certification marks that are indications of regional origin.''

Response: The USPTO agrees with this further clarification and adopts the commenter's suggestion.

The USPTO is revising § 2.42, regarding concurrent use requirements, to incorporate requirements for collective marks and certification marks, as well as to make other changes consistent with current USPTO practice. Specifically, the USPTO is adding § 2.42(a) to require an application for registration for lawful concurrent use to assert use in commerce in accordance with current USPTO practice, *see* TMEP section 1207.04(b), and the USPTO's ''Trademark Trial and Appeal Board Manual of Procedure'' section 1101.01, and that such application be for a mark seeking registration on the Principal Register under the Act, in accordance with current § 2.99(g), and include all relevant application requirements, including § 2.44 for collective marks or § 2.45 for certification marks, if applicable. In addition, § 2.42(b) is

added to enumerate the additional requirements for concurrent use applications set forth in the existing second sentence of current § 2.42 and to modify such text to incorporate the requirements for collective marks and certification marks. Further, § 2.42(c) is added to cross-reference current § 2.73, pertaining to amending an application to recite concurrent use, and § 2.42(d) is added to cross-reference current § 2.99, pertaining to concurrent use proceedings at the Trademark Trial and Appeal Board.

The USPTO is revising § 2.44, regarding collective marks, to include all requirements for a collective mark application in one rule. Specifically, § 2.44 is revised as follows: in § 2.44(a), enumerate the application requirements for a collective mark, incorporating the relevant application requirements from current § 2.32, regarding the requirements for a complete trademark or service mark application, current § 2.44, and current USPTO practice, see TMEP sections 1303.02 *et seq.* for collective trademarks and collective service marks, and TMEP section 1304.08(c)–(f) for collective membership marks; and in § 2.44(b), specify the requirements for a verified statement that was not filed within a reasonable time after signing or was omitted from the application to correspond primarily with § 2.33(c) and § 2.34(a)(1)(i), (a)(2), (a)(3)(i), and (a)(4)(ii). In addition, the following is added to § 2.44: in § 2.44(c), specify the requirements for claiming more than one filing basis in the application to correspond with § 2.34(b); in § 2.44(d), specify the requirements for the verification in a concurrent use application to correspond with § 2.33(f); and in § 2.44(e), cross-reference the multiple-class application requirements rule in § 2.86 for consistency with § 2.32(e). Further, § 2.44 is revised to correspond with the new definitions in § 2.2. Also, the rule title is amended to ''Requirements for a complete collective mark application'' for consistency with the rule title of § 2.32 regarding trademark and service mark application requirements. Further, § 2.44(a)(4)(v) is slightly revised, to correspond with § 2.33(e)(1), to amend the language to include ''that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation.'' Additionally, in response to a comment submitted regarding § 2.34(a)(1)(i), the USPTO is further amending § 2.44(b) to correspond with slight changes to § 2.33(c); § 2.34(a)(1)(i), (a)(2), (a)(3)(i), and (a)(4)(ii); and § 2.45(b). Finally, § 2.44(c) is further revised to clarify that an applicant may claim more than one filing basis in a collective membership mark application.

The USPTO is revising § 2.45, regarding certification marks, to include all requirements for a certification mark application in one rule, and to be consistent with the formatting of § 2.44 for collective mark application requirements. Specifically, § 2.45 is revised as follows: in § 2.45(a), enumerate the application requirements for a certification mark, incorporating the relevant application requirements from current § 2.32, regarding the requirements for a complete trademark or service mark application, current § 2.45, and current USPTO practice, *see* TMEP sections 1306.06 *et seq.;* and in § 2.45(b), specify the requirements for a verified statement that was not filed within a reasonable time after signing or was omitted from the application to correspond primarily with § 2.33(c) and § 2.34(a)(1)(i), (a)(2), (a)(3)(i), and (a)(4)(ii) and § 2.44(b). In addition, the following is added to § 2.45: in § 2.45(c), specify the requirements for claiming more than one filing basis in the application to correspond with § 2.34(b) and § 2.44(c); in § 2.45(d), specify the requirements for the verification in a concurrent use application to correspond with § 2.33(f) and § 2.44(d); in § 2.45(e), cross-reference the multiple-class application requirements rule in § 2.86 for consistency with § 2.32(e) and § 2.44(e); and in § 2.45(f), prohibit a single application from including both a certification mark and another type of mark, because the USPTO's databases preclude capturing different legal requirements for multiple types of marks in a single application, and also prohibit the registration of the same mark for the same goods and/or services as both a certification mark and another type of mark, in accordance with sections 4 and 14(5)(B) of the Act and current USPTO practice, *see* TMEP section 1306.05(a). Further, § 2.45 is revised to correspond with the new definitions in § 2.2. Also, the rule title is amended to ''Requirements for a complete certification mark application; restriction on certification mark application'' for consistency with the rule title of § 2.32 regarding trademark and service mark application requirements and § 2.44 regarding collective mark application requirements. Additionally, § 2.45(a)(4)(v)(B) is slightly revised, to correspond with § 2.33(e)(1), to amend the language to include ''that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation.'' Finally, in response to a comment submitted regarding § 2.34(a)(1)(i), the USPTO is further amending § 2.45(b) to correspond with slight changes to § 2.33(c); § 2.34(a)(1)(i), (a)(2), (a)(3)(i), and (a)(4)(ii); and § 2.44(b).

Specimens

The USPTO is amending § 2.56(b)(2) and (c), regarding specimens, to delete the term ''actually'' as a redundant term and for consistency with similar amendments to § 2.34(a)(1)(iv), § 2.76(b)(2), § 2.88(b)(2), and § 2.161(g). Additionally, § 2.56(b)(5) is amended to delete ''to certify'' and replace it with ''to reflect certification of.'' Lastly, § 2.56(d)(3), regarding bulky specimens, is revised as follows: ''In the absence of non-bulky alternatives, another appropriate medium may be designated as acceptable by the Office.''

Comment: One commenter suggested that § 2.56(d)(3), pertaining to bulky specimens, be revised to omit references to specific forms of media because of the rapid evolution of technology related to such media and to minimize future amendments to this rule. The commenter suggested revising this rule to ''In the absence of non-bulky alternatives, the Office may accept a specimen of use in any appropriate medium.''

Response: The USPTO agrees that technology related to data storage media is rapidly evolving and that listing specific types of media could require amendment to this rule at a subsequent date. Thus, the USPTO is revising § 2.56(d)(3) to omit references to specific forms of media and to state that, in the absence of non-bulky alternatives, another appropriate medium may be designated as acceptable by the USPTO.

The USPTO is amending § 2.59, regarding substitute specimens, to change existing text to ''verified statement'' to correspond with § 2.2(n). Additionally, § 2.59(a) and (b) are amended to reference substitute specimens for a collective membership mark.

Amendment of Application

The USPTO is amending § 2.71(a), regarding amendments to the identification of goods and/or services, to reference amending the description of the nature of a collective membership mark. In addition, § 2.71(b)–(d) is amended to change existing text to correspond with § 2.2(n). Further, § 2.71(e) is added to set forth that an amendment that would materially alter a certification statement pursuant to § 2.45(a)(4)(i)(A) and (a)(4)(ii)(A), is not

permitted, which is consistent with § 2.173(f) regarding such amendments after registration.

The USPTO is amending § 2.74(b), regarding the form and signature of an amendment, to change existing text to cross-reference the definition of ''verification'' in § 2.2(n).

The USPTO is amending § 2.77(a)(1), regarding permissible amendments submitted between a notice of allowance and the filing of a statement of use, to include deletion of the entire identification for a collective membership mark.

The USPTO is amending § 2.76, regarding amendments to allege use, to include the relevant requirements for collective marks and certification marks, and to be consistent with § 2.88 for statements of use. Specifically, § 2.76 is amended as follows: in § 2.76(a), add the title ''When to file an amendment to allege use;'' in § 2.76(a)(1) and (a)(2), include most of the text from current § 2.76(a) and (c), except amend the language in the last sentence of current § 2.76(a)(1) regarding the USPTO returning an untimely filed amendment to allege use to indicate that under current practice the USPTO will not review such an amendment, *see* TMEP section 1104.03(b)-(c), and the last sentence in current § 2.76(c), which is slightly amended and moved to § 2.76(b)(1)(iii); in § 2.76(b), add the title ''A complete amendment to allege use'' and include in § 2.76(b)(1)-(5) the text from current § 2.76(b) and (c) and the requirements for collective marks and certification marks, and in § 2.76(b)(6), require the title ''Amendment to Allege Use'' at the top of the first page of the document for those documents not filed using the Trademark Electronic Application System (TEAS); in § 2.76(c), add the title ''Minimum filing requirements for a timely filed amendment to allege use'' and include the text from current § 2.76(e) and change existing text to ''verified statement'' to correspond with § 2.2(n); in § 2.76(d), add the title ''Deficiency notification'' and include the text from current § 2.76(g); in § 2.76(e), add the title ''Notification of refusals and requirements'' and include most of the text from current § 2.76(f), except the second to last sentence regarding the USPTO providing notification of acceptance of an amendment to allege use because current practice is that a notice of approval for publication provides such notice, and the last sentence which is slightly amended and moved to § 2.76(h); in § 2.76(f), add the title ''Withdrawal'' and include the text from current § 2.76(h); in § 2.76(g), add the title ''Verification not filed within reasonable time,'' and include the text from current § 2.76(i) and change existing text to ''verified statement'' to correspond with § 2.2(n); in § 2.76(h), add the title ''An amendment to allege use is not a response but may include amendments,'' include slightly revised text from the last sentence of current § 2.76(f), and clarify that an amendment to allege use may include amendments in accordance with § 2.59 and § 2.71 through § 2.75; in § 2.76(i), specify the requirements for the verification in a concurrent use application under § 2.42; and in § 2.76(j), add the title ''Multiple-class application.'' Additionally, the USPTO is further amending § 2.76(g) for consistency with revisions made in response to a comment to § 2.34(a)(1)(i) regarding bases for filing a trademark or service mark application and to include the relevant statement for collective marks and certification marks. Finally, the USPTO is further amending § 2.76(i) slightly for consistency with revisions made to § 2.88(i) for a statement of use after a notice of allowance.

Classification

The USPTO is amending § 2.86, regarding multiple-class application requirements, to include the requirements for collective marks and certification marks, and to make other changes consistent with current USPTO practice. Specifically, § 2.86 is amended as follows: set forth the rule title as ''Multiple-class applications;'' in § 2.86(a), set forth the requirements for a single trademark, service mark, and/or collective mark application for multiple classes, clarifying that such an application must satisfy either the trademark or service mark application requirements in § 2.32 or the collective mark application requirements in § 2.44, in addition to providing the applicable goods, services, or nature of the collective membership organization in each appropriate international or U.S. class, and providing a fee, dates of use, and a specimen for each class based on use in commerce or a bona fide intent statement for each class based on section 1(b), 44, or 66(a) of the Act; in § 2.86(b), set forth the requirements for a single certification mark application for goods and services, clarifying that such multiple-class application must satisfy the certification mark application requirements in § 2.45, in addition to identifying the applicable goods and services in each appropriate U.S. class for applications filed under section 1 or 44 of the Act or in the international classes assigned by the World Intellectual Property Organization's International Bureau for applications filed under section 66(a) of the Act, and providing a fee, dates of use, and a specimen for each class based on use in commerce or a bona fide intent statement for each class based on section 1(b), 44, or 66(a) of the Act; and in § 2.86(c), amend to include the text in the last sentence of current § 2.86(a)(3) regarding an applicant not claiming both section 1(a) and 1(b) of the Act for identical goods or services in a single application. In addition, the following is added to § 2.86: in § 2.86(d), restrict a single application based on section 1 or 44 of the Act from including goods or services in U.S. Classes A and/or B and either goods or services in any international class or with a collective membership organization in U.S. Class 200, and restrict a single application based on section 66(a) of the Act from including goods, services, or a collective membership organization in any international class, for consistency with § 2.45(f); in § 2.86(e), add the text from current § 2.86(b) regarding multiple-class requirements for amendments to allege use and statements of use; and in § 2.86(f), add the text in current § 2.86(c) regarding issuing a single registration certificate for multiple-class applications.

Post Notice of Allowance

The USPTO is amending § 2.88, regarding statements of use, to include the relevant requirements for collective marks and certification marks, and to be consistent with § 2.76 for amendments to allege use. Specifically, § 2.88 is amended as follows: set forth the rule title as ''Statement of use after notice of allowance;'' in § 2.88(a), add the title ''When to file a statement of use;'' in § 2.88(a)(1), include most of the text from current § 2.88(a), except delete the language regarding the USPTO returning a premature statement of use filed prior to issuance of a notice of allowance because under current practice the USPTO will not return or review it, *see* TMEP section 1109.04; in § 2.88(a)(2), include most of the text from current § 2.88(c), except for the last sentence which is slightly amended and moved to § 2.88(b)(1)(iii); in § 2.88(b), add the title ''A complete statement of use,'' include in § 2.88 (b)(1)-(3) the text from current § 2.88(b), in § 2.88(b)(1)(iii) additionally include most of the last sentence from current § 2.88(c), in § 2.88(b)(1)(iv) additionally include the text from current § 2.88(i)(1)-(2), in § 2.88 (b)(6) require the title ''Statement of Use'' at the top of the first page of the document for those documents not filed using the TEAS, and in § 2.88(b) incorporate the requirements for collective marks and certification marks and change text to ''verified statement''

to correspond with § 2.2(n); in § 2.88(c), add the title ''Minimum filing requirements for a timely filed statement of use,'' include the text in current § 2.88(e), and change text to ''verified statement'' to correspond with § 2.2(n); in § 2.88(d), add the title ''Deficiency notification'' and include the text from current § 2.88(g), except for the last sentence; in § 2.88(e), add the title ''Notification of refusals and requirements'' and include the text from current § 2.88(f), except delete the language regarding the USPTO providing notification of acceptance of a statement of use because the registration certificate provides such notice; in § 2.88(f), add the title ''Statement of use may not be withdrawn'' and include the text in the last sentence of current § 2.88(g); in § 2.88(g), add the title ''Verification not filed within reasonable time,'' include the text from current § 2.88(k), and change existing text to ''verified statement'' to correspond with § 2.2(n); in § 2.88(h), add the title ''Amending the application,'' include the text from the second to last sentence of current § 2.88(f), and specify that statements of use may include amendments in accordance with § 2.51, § 2.59, and § 2.71 through § 2.75, as the TEAS on-line statement of use form will now accept such amendments within the same form; in § 2.88(i), add the requirements for the verification in a concurrent use amendment under § 2.42; in § 2.88(j), add the title ''Multiple-class application'' and include the text from current § 2.88(l); and in § 2.88(k), add the title ''Abandonment'' and include the text from current § 2.88(h). Finally, the USPTO is further amending § 2.88(g) for consistency with revisions made in response to a comment to § 2.34(a)(1)(i) regarding bases for filing a trademark or service mark application and to include the relevant statement for collective marks and certification marks.

Comment: One commenter requested clarification that § 2.88(i) would apply only in the rare circumstances in which an applicant submitted a proper amendment for concurrent use in a section 1(b) application and satisfied the jurisdictional requirements for concurrent use under 15 U.S.C. 1052(d).

Response: Because an applicant must assert use in commerce prior to seeking concurrent use, the USPTO clarifies that a proper amendment for concurrent use submitted with an amendment to allege use under § 2.76 or statement of use under § 2.88 would be rare. The USPTO further clarifies that for such an amendment to be acceptable the amendment must satisfy both the requirements of § 2.73 for amending an application to concurrent use and the jurisdictional requirements under 15 U.S.C. 1052(d) for concurrent use. In addition, the USPTO is amending § 2.76(i) and § 2.88(i) slightly to clarify that an allegation of use must include a modified verified statement if the application is amended to concurrent use under § 2.73.

The USPTO is amending § 2.89, regarding submitting a request for an extension of time to file a statement of use (''extension request''), to include the relevant requirements for collective marks and certification marks, as well as to make other changes consistent with current USPTO practice. Section 2.89 is amended as follows: in § 2.89(a), add the title ''First extension request after issuance of notice of allowance;'' in § 2.89(a)(3), change text to ''verified statement'' to correspond with § 2.2(n), and incorporate the requirements for collective marks and certification marks; in § 2.89(b), add the title ''Subsequent extension requests'' and a cross-reference in § 2.89(b)(2) to § 2.89(a)(2), as the fee requirements are the same for first and subsequent extension requests; in § 2.89(c), add the title ''Four subsequent extension requests permitted;'' in § 2.89(d), add the title ''Good cause,'' enumerate in § 2.89(d)(1)-(3) the requirements for showing good cause for all marks, including collective marks and certification marks, and include the text from current § 2.89(d) in (d)(1); in § 2.89(e), add the title ''Extension request filed in conjunction with or after a statement of use'' and amend the current text for clarity; in § 2.89(f), add the title ''Goods or services'' and incorporate the requirements for collective marks and certification marks; in § 2.89(g), add the title ''Notice of grant or denial;'' and in § 2.89(h), add the title ''Verification not filed within reasonable time,'' incorporate the requirements for collective marks and certification marks, and change text to ''verified statement'' to correspond with § 2.2(n). Further, the USPTO is amending § 2.89(a)(3), (b)(3), and (h) for consistency with revisions made in response to a comment to § 2.34(a)(1)(i) regarding bases for filing a trademark or service mark application.

Petitions and Action by the Director

The USPTO is amending § 2.146(c), regarding petitions to the Director, to change existing text to ''verified statements'' to correspond with § 2.2(n). Additionally, § 2.146(d) is amended to specify that a petition regarding a cancelled or expired registration must be submitted to the USPTO within two months of the date when USPTO records are updated to show the registration as cancelled or expired, to ensure that all interested parties will be able to accurately determine the deadline for filing a petition under these circumstances.

Cancellation for Failure To File Affidavit or Declaration

The USPTO is amending § 2.161, regarding affidavits or declarations of use in commerce or excusable nonuse under section 8 of the Act, to include the relevant requirements for collective marks and certification marks, to change text to correspond with § 2.2, and to make other changes consistent with current USPTO practice. Section 2.161(g) is revised to cross-reference current § 2.56 regarding specimens and delete § 2.161(g)(1)–(3), as similar language appears in current § 2.56. Section 2.161(h) is revised to incorporate the language from current § 2.161(h)(1) into § 2.161(h) and to delete current § 2.161(h)(2)–(3), because the sunset provision in § 2.161(h)(2)–(3), in which § 2.161(h)(2) will no longer be applied after June 21, 2014 to affidavits or declarations filed under section 8 of the Act, has expired. Section 2.161(i) and (j) are added, as follows, to include requirements for collective marks and certification marks to harmonize the USPTO's post registration practice with current examination practice, and to be consistent with § 7.37(i)–(j), regarding affidavits or declarations of use in commerce or excusable nonuse under section 71 of the Act: in § 2.161(i), add the title ''Additional requirements for a collective mark'' and the additional requirements for such marks, *see* TMEP sections 1303.01, 1303.02(c)(i), 1304.08(f)(i)–(ii); in § 2.161(j), add the title ''Additional requirements for a certification mark'' and the additional requirements for such marks, *see* TMEP section 1306.06(f)(i)–(iii), (f)(v). Section 2.161(k) is added to cross-reference to § 7.37 regarding the requirements for a complete affidavit or declaration of use in commerce or excusable nonuse for a registration with an underlying application based on section 66(a) of the Act.

Affidavit or Declaration Under Section 15 of the Act

The USPTO is amending § 2.167, regarding an affidavit or declaration of incontestability under section 15 of the Act, to include the relevant requirements for collective marks and certification marks, to change text to ''verified'' to correspond with § 2.2(n), and to make other changes consistent with current USPTO practice. Specifically, § 2.167(f) is amended to

delete the last sentence of the current rule because, under current USPTO practice, notification acknowledging receipt of the affidavit or declaration only issues if the requirements of § 2.167(a) through (g) have been satisfied, consistent with § 2.167(i). *See* TMEP section 1605. Also § 2.167(h), (i), (j), and (k) are added, as follows, to clarify current USPTO practice: in § 2.167(h), clarify that notification will be provided to an owner if an affidavit or declaration cannot be acknowledged when the affidavit or declaration fails to satisfy any requirements in paragraphs § 2.167(a) through (g), and that the affidavit or declaration will be abandoned if a response is not received in the time specified in the notification; in § 2.167(i), clarify that a notice of acknowledgement will only issue if an affidavit or declaration satisfies § 2.167(a) through (g); in § 2.167(j), clarify that an affidavit or declaration may be abandoned by petitioning the Director under § 2.146 either before or after a notice of acknowledgement issues; and in § 2.167(k), clarify that a new affidavit or declaration with a new fee may be filed if an affidavit or declaration is abandoned. *See* TMEP section 1605.

Correction, Disclaimer, Surrender, Etc.

The USPTO is amending § 2.173, regarding an amendment to a registration, to include the relevant requirements for collective marks and certification marks, to change text to correspond with § 2.2, and to make other changes consistent with current USPTO practice. Section 2.173 is amended as follows: in § 2.173(b)(2), cross-reference § 2.193(e)(6), regarding trademark signature requirements, and delete the language in this subsection that is similar to wording in current § 2.193(e)(6); in § 2.173(d), clarify that an amendment that would materially alter the mark will not be permitted in accordance with section 7(e) of the Act; in § 2.173(e), amend the title to ''Amendment of identification of goods, services, or collective membership organization,'' and the text to add a reference to a description of the nature of the collective membership organization; and in § 2.173(f), amend the title to ''Amendment of certification statement for certification marks'' and set forth the prohibition regarding amending a certification statement, as specified in § 2.45(a)(4)(i)(A) and (a)(4)(ii)(A), in accordance with section 7(e) of the Act and for consistency with § 2.71(e). Section 2.173(f) is redesignated as§ 2.173(g), and § 2.173(g) is redesignated as § 2.173(h). Section 2.173(i) is added with the heading ''No amendment to add or delete a section 2(f) claim of acquired distinctiveness,'' clarifying that the USPTO will not permit an amendment seeking the addition or elimination of a claim of acquired distinctiveness, just as an owner cannot amend a registration from the Supplemental to the Principal Register. *See* TMEP section 1609.09.

The USPTO is amending § 2.175(b)(2), regarding correcting an owner's mistake, to change text to ''verified'' to correspond with § 2.2(n).

Term and Renewal

The USPTO is amending § 2.183(d), regarding requirements for a renewal application, to specify that a renewal application may cover less than all the classes in a registration, in addition to covering less than all the goods or services in a registration.

General Information and Correspondence in Trademark Cases

The USPTO is amending § 2.193, regarding trademark correspondence and signature requirements, to correct a typographical error in § 2.193(c)(2), to change current text in § 2.193(e)(1) to correspond with § 2.2(n), and to revise the final sentence of § 2.193(f) to delete reference to § 10.23(c)(15) and instead refer to § 11.804, as part 10 of this chapter has been removed and reserved and the content in current § 11.804 corresponds with content previously set out in § 10.23.

Part 7: Rules of Practice in Filings Pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

Subpart A—General Information

The USPTO is amending § 7.1, regarding definitions, to add § 7.1(f), which incorporates by reference the definitions in § 2.2(k) and (n), to apply to filings pursuant to the Protocol relating to the Madrid Agreement concerning the international registration of marks.

Subpart F—Affidavit Under Section 71 of the Act for Extension of Protection to the United States

The USPTO is amending § 7.37, regarding affidavits or declarations of use in commerce or excusable nonuse under section 71 of the Act, to include the relevant requirements for collective marks and certification marks and to change text to correspond with § 2.2. Specifically, § 7.37(h) is revised to incorporate the language from current § 7.37(h)(1) into § 7.37(h) and to delete current § 7.37(h)(2)–(3), because the sunset provision in § 7.37(h)(2)–(3), in which § 7.37(h)(2) will no longer be applied after June 21, 2014 to affidavits or declarations filed under section 71 of the Act, has expired. Section 7.37(i) and (j) are added, as follows, to include requirements for collective marks and certification marks so as to harmonize the USPTO's post registration practice with current examination practice, and to be consistent with § 2.161(i)–(j), regarding affidavits or declarations of use in commerce or excusable nonuse under section 8 of the Act: in § 7.37(i), add the title ''Additional requirements for a collective mark'' and the additional requirements for such marks, *see* TMEP sections 1303.01, 1303.02(c)(i), 1304.08(f)(i)–(ii), 1904.02(d); in § 7.37(j), add the title ''Additional requirements for a certification mark'' and additional requirements for such marks, *see* TMEP sections 1306.06(f)(i)–(iii), (f)(v), 1904.02(d).

Rulemaking Requirements

Administrative Procedure Act: The changes in this rulemaking involve rules of agency practice and procedure, and/or interpretive rules. *See Perez* v. *Mortg. Bankers Ass'n,* 135 S. Ct. 1199, 1204 (2015) (interpretive rules ''advise the public of the agency's construction of the statutes and rules which it administers'') (citation and internal quotation marks omitted); *Nat'l Org. of Veterans' Advocates* v. *Sec'y of Veterans Affairs,* 260 F.3d 1365, 1375 (Fed. Cir. 2001) (rule that clarifies interpretation of a statute is interpretive); *Bachow Commc'ns Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims).

Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c), or any other law. *See Perez,* 135 S. Ct. at 1206 (notice-and-comment procedures are required neither when an agency ''issue[s] an initial interpretive rule'' nor ''when it amends or repeals that interpretive rule''); *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), does not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice,'' quoting 5 U.S.C. 553(b)(A)). The USPTO, however, chose to seek public comment before implementing the rule as the USPTO

seeks the benefit of the public's views regarding collective and certification marks.

Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a Regulatory Flexibility Act analysis, nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), is required. *See* 5 U.S.C. 603.

In addition, for the reasons set forth herein, the Deputy General Counsel for General Law of the USPTO has certified to the Chief Counsel for Advocacy of the Small Business Administration that rule changes in this document will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

To the extent the rule changes in this document primarily codify current USPTO practice set forth in the TMEP and precedential case law regarding collective marks and certification marks, those rule changes impose no new burdens on applicants and registration owners/holders. Some rule changes harmonize registration maintenance requirements with current application requirements. The USPTO is also changing current practice regarding maintenance requirements regarding certification marks to require filers of the first affidavit of use after registration in registrations based on sections 44 and 66(a) of the Act to submit certification standards, and to require that all filers of such affidavits submit updated standards if the standards have changed or a statement indicating they have not. The USPTO does not collect or maintain statistics in trademark cases on small versus large entity applicants, and this information would be required in order to precisely calculate the number of small entities that would be affected. However, these rule changes will have no impact on the vast majority of trademark owners/holders, and only a slight effect on the very small subset of certification mark registrations, where standards previously have not been provided, or change post registration. Certification marks account for approximately 0.2% of the total number of registered marks in the USPTO database (approximately 4,000 registrations out of a total of approximately 2,000,000 registrations). For fiscal year 2014, affidavits of use for all filers have totaled approximately 248,000 of which approximately 0.2%, or 496 affidavits, were submitted for certification mark registrations. Of those 496 affidavits, only a small subset will be required to include certification standards or revised standards. Even in the event that standards must be submitted, the burden is quite minimal, as it merely involves attaching an already existing document to a filing that must otherwise be made to maintain the registration. For these reasons, the rule changes will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Executive Order 13563 (Improving Regulation and Regulatory Review): The USPTO has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, the USPTO has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule changes; (2) tailored the rules to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) provided the public with a meaningful opportunity to participate in the regulatory process, including soliciting the views of those likely affected prior to issuing a notice of proposed rulemaking, and provided on-line access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes, to the extent applicable.

Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing this final rule, the USPTO has submitted the required report containing the final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this document are not expected to result in an annual effect on the economy of 100 million dollars or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this document is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of 100 million dollars (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of 100 million dollars (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

Paperwork Reduction Act: This rulemaking involves information collection requirements which are subject to review by the U.S. Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The USPTO has determined that there would be no new information collection requirements or impacts to existing information collection requirements associated with this rulemaking. The collections of information involved in this rulemaking have been reviewed and previously approved by OMB under control numbers 0651–0009, 0651–0050, 0651–0051, 0651–0054, 0651–0055, 0651–0056, and 0651–0061.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 2

Administrative practice and procedure, Trademarks.

37 CFR Part 7

Administrative practice and procedure, Trademarks, International registration.

For the reasons given in the preamble and under the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 2, as amended, the USPTO is amending parts 2 and 7 of title 37 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 1. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 2. Amend § 2.2 by revising paragraphs (f) and (h) and adding paragraphs (i) through (n) to read as follows:

§ 2.2 Definitions.

* * * * *

(f) The acronym *TEAS* means the Trademark Electronic Application System, available at *http://www.uspto.gov.*

* * * * *

(h) The term *international application* as used in this part means, in addition to the definition in section 60 of the Act, an application seeking an extension of protection of an international registration in an initial designation filed under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

(i) The term *subsequent designation* as used in this part means a request for extension of protection of an international registration made after the International Bureau registers the mark on the International Register.

(j) The term *holder* as used in this part means, in addition to the definition of a ''holder of an international registration'' in section 60 of the Act, the natural or juristic person in whose name an international registration seeking an extension of protection to the United States is recorded on the International Register.

(k) The term *use in commerce* or *use of the mark in commerce* as used in this part means, in addition to the definition of ''use in commerce'' in section 45 of the Act:

(1) For a trademark or service mark, use of the mark in commerce by an applicant, owner, or holder on or in connection with the goods or services specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse;

(2) For a collective trademark or collective service mark, use of the mark in commerce by members on or in connection with the goods or services specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse;

(3) For a collective membership mark, use of the mark in commerce by members to indicate membership in the collective organization as specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse; and

(4) For a certification mark, use of the mark in commerce by authorized users on or in connection with the goods or services specified in a U.S. application, amendment to allege use, statement of use, or affidavit or declaration of use or excusable nonuse.

(l) The term *bona fide intention to use the mark in commerce* as used in this part means, for a trademark or service mark, that an applicant or holder has a bona fide intention to use the mark in commerce on or in connection with the goods or services specified in a U.S. application or international application/subsequent designation.

(m) The term *bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce* as used in this part means:

(1) For a collective trademark or collective service mark, that an applicant or holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the goods or services specified in a U.S. application or international application/subsequent designation;

(2) For a collective membership mark, that an applicant or holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce by members to indicate membership in the collective organization as specified in a U.S. application or international application/subsequent designation; and

(3) For a certification mark, that an applicant or holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the goods or services specified in a U.S. application or international application/subsequent designation.

(n) The term *verified statement,* and the terms *verify, verified,* or *verification* as used in this part refers to a statement that is sworn to, made under oath or in an affidavit, or supported by a declaration under § 2.20 or 28 U.S.C. 1746, and signed in accordance with the requirements of § 2.193.

■ 3. Revise § 2.20 to read as follows:

§ 2.20 Declarations in lieu of oaths.

Instead of an oath, affidavit, or sworn statement, the language of 28 U.S.C. 1746, or the following declaration language, may be used:

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

■ 4. Amend § 2.22 by revising paragraph (a)(8) to read as follows:

§ 2.22 Filing requirements for a TEAS Plus application.

(a) * * *

(8) Correctly classified goods and/or services, with an identification of goods and/or services from the Office's *Acceptable Identification of Goods and Services Manual,* available through the TEAS Plus form. In an application based on section 44 of the Act, the scope of the goods and/or services covered by the section 44 basis may not exceed the scope of the goods and/or services in the foreign application or registration;

* * * * *

■ 5. Amend § 2.32 by revising the section heading and paragraphs (a)(3)(iii), (a)(6), (c), and (e) and adding paragraphs (f) and (g) to read as follows:

§ 2.32 Requirements for a complete trademark or service mark application.

(a) * * *

(3) * * *

(iii) If the applicant is a domestic partnership, the names and citizenship of the general partners; or

* * * * *

(6) A list of the particular goods or services on or in connection with which the applicant uses or intends to use the mark. In a U.S. application filed under section 44 of the Act, the scope of the goods or services covered by the section 44 basis may not exceed the scope of the goods or services in the foreign application or registration;

* * * * *

(c) The application must include a drawing that meets the requirements of § 2.51 and § 2.52.

* * * * *

(e) For the requirements of a multiple-class application, see § 2.86.

(f) For the requirements of all collective mark applications, see § 2.44.

(g) For the requirements of a certification mark application, see § 2.45.

■ 6. Revise § 2.33 to read as follows:

§ 2.33 Verified statement for a trademark or service mark.

(a) The application must include a verified statement.

(b)(1) In an application under section 1(a) of the Act, the verified statement must allege:

That the applicant believes the applicant is the owner of the mark; that the mark is in use in commerce; that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used on or in connection with the goods or services; and that the facts set forth in the application are true.

(2) In an application under section 1(b) or 44 of the Act, the verified statement must allege:

That the applicant has a bona fide intention to use the mark in commerce; that the applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive; and that the facts set forth in the application are true.

(c) If the verified statement in paragraph (b)(1) or (2) of this section is not filed within a reasonable time after it is signed, the Office may require the applicant to submit a substitute verified statement attesting that the mark was in use in commerce as of the application filing date, or the applicant had a bona fide intention to use the mark in commerce as of the application filing date.

(d) [Reserved]

(e) In an application under section 66(a) of the Act, the verified statement, which is part of the international registration on file with the International Bureau, must allege that:

(1) The applicant/holder has a bona fide intention to use the mark in commerce that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation;

(2) The signatory is properly authorized to execute the declaration on behalf of the applicant/holder;

(3) The signatory believes the applicant/holder to be entitled to use the mark in commerce that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation; and

(4) To the best of his/her knowledge and belief, no other person, firm, corporation, association, or other legal entity has the right to use the mark in commerce that the U.S. Congress can regulate either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, firm, corporation, association, or other legal entity, to cause confusion, or to cause mistake, or to deceive.

(f) In an application for concurrent use under § 2.42, the verified statement in paragraph (b)(1) of this section must be modified to indicate that no other person except as specified in the application has the right to use the mark in commerce.

■ 7. Amend § 2.34 by revising the section heading and paragraphs (a) introductory text, (a)(1) introductory text, (a)(1)(i), (a)(1)(iii) through (v), (a)(2), (a)(3) introductory text, (a)(3)(i) and (iii), (a)(4) introductory text, (a)(4)(i)(B), (a)(4)(ii) and (iii), (a)(5), and (b) and removing paragraph (c).

The revisions read as follows:

§ 2.34 Bases for filing a trademark or service mark application.

(a) An application for a trademark or service mark must include one or more of the following five filing bases:

(1) *Use in commerce under section 1(a) of the Act.* The requirements for an application under section 1(a) of the Act are:

(i) The applicant's verified statement that the mark is in use in commerce. If the verified statement is not filed with the initial application, the verified statement must also allege that the mark was in use in commerce as of the application filing date;

* * * * *

(iii) The date of the applicant's first use of the mark in commerce;

(iv) One specimen showing how the applicant uses the mark in commerce; and

(v) If the application specifies more than one item of goods or services in a class, the dates of use in paragraphs (a)(1)(ii) and (iii) of this section are required for only one item of goods or services specified in that class.

(2) *Intent-to-use under section 1(b) of the Act.* In an application under section 1(b) of the Act, the applicant must verify that the applicant has a bona fide intention to use the mark in commerce. If the verified statement is not filed with the initial application, the verified statement must also allege that the applicant had a bona fide intention to use the mark in commerce as of the application filing date.

(3) *Registration of a mark in a foreign applicant's country of origin under section 44(e) of the Act.* The requirements for an application under section 44(e) of the Act are:

(i) The applicant's verified statement that the applicant has a bona fide intention to use the mark in commerce. If the verified statement is not filed with the initial application, the Office will require submission of the verified statement, which must also allege that the applicant had a bona fide intention to use the mark in commerce as of the application filing date.

* * * * *

(iii) If the record indicates that the foreign registration will expire before the U.S. registration will issue, the applicant must submit a true copy, a photocopy, a certification, or a certified copy of a proof of renewal from the applicant's country of origin to establish that the foreign registration has been renewed and will be in full force and effect at the time the U.S. registration will issue. If the proof of renewal is not in the English language, the applicant must submit a translation.

(4) *Claim of priority, based upon an earlier-filed foreign application, under section 44(d) of the Act.* The requirements for an application under section 44(d) of the Act are:

(i) * * *

(B) State that the application is based upon a subsequent regularly filed application in the same foreign country, and that any prior-filed application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without having any rights outstanding, and has not served as a basis for claiming a right of priority.

(ii) The applicant's verified statement that the applicant has a bona fide intention to use the mark in commerce. If the verified statement is not filed with the initial application, the Office will require submission of the verified statement, which must also allege that the applicant had a bona fide intention to use the mark in commerce as of the application filing date.

(iii) Before the application can be approved for publication, or for registration on the Supplemental Register, the applicant must establish a basis under section 1 or 44 of the Act.

(5) *Extension of protection of an international registration under section 66(a) of the Act.* In an application under section 66(a) of the Act, the international application/subsequent designation must contain a signed

declaration that meets the requirements of § 2.33(a), (e).

(b) *More than one basis.* In an application under section 1 or 44 of the Act, an applicant may claim more than one basis, provided the applicant satisfies all requirements for the bases claimed. In such case, the applicant must specify each basis and the goods or services to which that basis applies. An applicant must specify the goods or services covered by more than one basis. Section 1(a) and 1(b) of the Act may not both be claimed for identical goods or services in the same application. A basis under section 66(a) of the Act may not be combined with another basis.

■ 8. Amend § 2.35 by revising paragraphs (b)(1) and (b)(6) through (8) to read as follows:

§ 2.35 Adding, deleting, or substituting bases.

(b) * * *

(1) Before publication for opposition, an applicant may add or substitute a basis, if the applicant meets all requirements for the new basis, as stated in § 2.34, § 2.44, or § 2.45. The applicant may delete a basis at any time.

* * * * *

(6) When the applicant adds or substitutes a basis, the applicant must list each basis and specify the goods, services, or collective membership organization to which that basis applies.

(7) When the applicant deletes a basis, the applicant must also delete any goods, services, or collective membership organization covered solely by the deleted basis.

(8) Once an applicant claims a section 1(b) basis as to any or all of the goods or services, or a collective membership organization, the applicant may not amend the application to seek registration under section 1(a) of the Act for identical goods or services or the same collective membership organization, unless the applicant files an allegation of use under section 1(c) or section 1(d) of the Act.

■ 9. Revise § 2.41 to read as follows:

§ 2.41 Proof of distinctiveness under section 2(f).

(a) *For a trademark or service mark*—(1) *Ownership of prior registration(s).* In appropriate cases, ownership of one or more active prior registrations on the Principal Register or under the Trademark Act of 1905 of the same mark may be accepted as prima facie evidence of distinctiveness if the goods or services are sufficiently similar to the goods or services in the application; however, further evidence may be required.

(2) *Five years substantially exclusive and continuous use in commerce.* In appropriate cases, if a trademark or service mark is said to have become distinctive of the applicant's goods or services by reason of the applicant's substantially exclusive and continuous use of the mark in commerce for the five years before the date on which the claim of distinctiveness is made, a showing by way of verified statements in the application may be accepted as prima facie evidence of distinctiveness; however, further evidence may be required.

(3) *Other evidence.* In appropriate cases, where the applicant claims that a mark has become distinctive in commerce of the applicant's goods or services, the applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, verified statements, depositions, or other appropriate evidence showing duration, extent, and nature of the use in commerce and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and verified statements, letters or statements from the trade or public, or both, or other appropriate evidence of distinctiveness.

(b) *For a collective trademark or collective service mark*—(1) *Ownership of prior registration(s).* See the requirements of paragraph (a)(1) of this section.

(2) *Five years substantially exclusive and continuous use in commerce.* In appropriate cases, if a collective trademark or collective service mark is said to have become distinctive of the members' goods or services by reason of the members' substantially exclusive and continuous use of the mark in commerce for the five years before the date on which the claim of distinctiveness is made, a showing by way of verified statements in the application may be accepted as prima facie evidence of distinctiveness; however, further evidence may be required.

(3) *Other evidence.* In appropriate cases, where the applicant claims that a mark has become distinctive in commerce of the members' goods or services, the applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, verified statements, depositions, or other appropriate evidence showing duration, extent, and nature of the use in commerce, and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and verified statements, letters or statements from the trade or public, or both, or other appropriate evidence of distinctiveness.

(c) *For a collective membership mark*—(1) *Ownership of prior registration(s).* In appropriate cases, ownership of one or more active prior registrations on the Principal Register or under the Act of 1905 of the same mark may be accepted as prima facie evidence of distinctiveness if the goods, services, or nature of the collective membership organization are sufficiently similar to the collective membership organization in the application; however, further evidence may be required.

(2) *Five years substantially exclusive and continuous use in commerce.* In appropriate cases, if a collective membership mark is said to have become distinctive of indicating membership in the applicant's collective membership organization by reason of the members' substantially exclusive and continuous use of the mark in commerce for the five years before the date on which the claim of distinctiveness is made, a showing by way of verified statements in the application may be accepted as prima facie evidence of distinctiveness; however, further evidence may be required.

(3) *Other evidence.* In appropriate cases, where the applicant claims that a mark has become distinctive in commerce of indicating membership in the applicant's collective membership organization, the applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, verified statements, depositions, or other appropriate evidence showing duration, extent, and nature of the members' use in commerce, and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and verified statements, letters or statements from the trade or public, or both, or other appropriate evidence of distinctiveness.

(d) *For a certification mark*—(1) *Ownership of prior certification mark registration(s).* In appropriate cases, ownership of one or more active prior certification mark registrations on the Principal Register or under the Act of 1905 of the same mark may be accepted as prima facie evidence of distinctiveness if the authorized users' goods or services are sufficiently similar to the goods or services certified in the application, subject to the limitations of the statement set forth in

§ 2.45(a)(4)(i)(C); however, further evidence may be required.

(2) *Five years substantially exclusive and continuous use in commerce.* In appropriate cases, if a certification mark is said to have become distinctive of the certified goods or services by reason of the authorized users' substantially exclusive and continuous use of the mark in commerce for the five years before the date on which the claim of distinctiveness is made, a showing by way of verified statements in the application may be accepted as prima facie evidence of distinctiveness; however, further evidence may be required.

(3) *Other evidence.* In appropriate cases, where the applicant claims that a mark has become distinctive of the certified goods or services program, the applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, verified statements, depositions, or other appropriate evidence showing duration, extent, and nature of the authorized users' use in commerce and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and verified statements, letters or statements from the trade or public, or both, or other appropriate evidence of distinctiveness.

(e) *Certification marks with geographical matter.* Paragraph (d) of this section does not apply to geographical matter in a certification mark certifying regional origin because section 2(e)(2) of the Act does not apply to certification marks that are indications of regional origin.

■ 10. Revise § 2.42 to read as follows:

§ 2.42 Concurrent use.

(a) Prior to seeking concurrent use, an application for registration on the Principal Register under the Act must assert use in commerce and include all the application elements required by the preceding sections, in addition to § 2.44 or § 2.45, if applicable.

(b) The applicant must also include a verified statement that indicates the following, to the extent of the applicant's knowledge:

(1) For a trademark or service mark, the geographic area in which the applicant is using the mark in commerce; for a collective mark or certification mark, the geographic area in which the applicant's members or authorized users are using the mark in commerce;

(2) For a trademark or service mark, the applicant's goods or services; for a collective trademark, collective service mark, or certification mark, the applicant's members' or authorized users' goods or services; for a collective membership mark, the nature of the applicant's collective membership organization;

(3) The mode of use for which the applicant seeks registration;

(4) The concurrent users' names and addresses;

(5) The registrations issued to or applications filed by such concurrent users, if any;

(6) For a trademark or service mark, the geographic areas in which the concurrent user is using the mark in commerce; for a collective mark or certification mark, the geographic areas in which the concurrent user's members or authorized users are using the mark in commerce;

(7) For a trademark or service mark, the concurrent user's goods or services; for a collective trademark, collective service mark, or certification mark, the concurrent user's members' or authorized users' goods or services; for a collective membership mark, the nature of the concurrent user's collective membership organization;

(8) The mode of use by the concurrent users or the concurrent users' members or authorized users; and

(9) The time periods of such use by the concurrent users or the concurrent users' members or authorized users.

(c) For the requirements to amend an application to concurrent use, see § 2.73.

(d) For the requirements of a concurrent use proceeding, see § 2.99.

■ 11. Revise § 2.44 to read as follows:

§ 2.44 Requirements for a complete collective mark application.

(a) A complete application to register a collective trademark, collective service mark, or collective membership mark must include the following:

(1) The requirements specified in § 2.32(a) introductory text through (a)(4), (a)(8) through (10), (c), and (d);

(2)(i) For a collective trademark or collective service mark, a list of the particular goods or services on or in connection with which the applicant's members use or intend to use the mark; or

(ii) For a collective membership mark, a description of the nature of the membership organization such as by type, purpose, or area of activity of the members; and

(iii) In a U.S. application filed under section 44 of the Act, the scope of the goods or services or the nature of the membership organization covered by the section 44 basis may not exceed the scope of the goods or services or nature of the membership organization in the foreign application or registration.

(3)(i) For a collective trademark or collective service mark application, the international class of goods or services, if known. See § 6.1 of this chapter for a list of the international classes of goods and services; or

(ii) For a collective membership mark application filed under sections 1 or 44 of the Act, classification in U.S. Class 200; and for a collective membership mark application filed under section 66(a) of the Act, the international class(es) assigned by the International Bureau in the corresponding international registration.

(4) One or more of the following five filing bases:

(i) *Use in commerce under section 1(a) of the Act.* The requirements for an application under section 1(a) of the Act are:

(A) A statement specifying the nature of the applicant's control over the use of the mark by the members;

(B) For a collective trademark or collective service mark, the date of the applicant's member's first use of the mark anywhere on or in connection with the goods or services and the date of the applicant's member's first use of the mark in commerce; or for a collective membership mark, the date of the applicant's member's first use anywhere to indicate membership in the collective organization and the date of the applicant's member's first use in commerce. If the application specifies more than one item of goods or services in a class, the dates of use are required for only one item of goods or services specified in that class;

(C) One specimen showing how a member uses the mark in commerce; and

(D) A verified statement alleging:

That the applicant believes the applicant is the owner of the mark; that the mark is in use in commerce; that the applicant is exercising legitimate control over the use of the mark in commerce; that to the best of the signatory's knowledge and belief, no other persons except members have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods, services, or collective membership organization of such other persons to cause confusion or mistake, or to deceive; that the specimen shows the mark as used in commerce by the applicant's members; and that the facts set forth in the application are true.

(ii) *Intent-to-use under section 1(b) of the Act.* The requirement for an

application based on section 1(b) of the Act is a verified statement alleging:

That the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce; that to the best of the signatory's knowledge and belief, no other persons, except members, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods, services, or collective membership organization of such other persons, to cause confusion or mistake, or to deceive; and that the facts set forth in the application are true.

(iii) *Registration of a mark in a foreign applicant's country of origin under section 44(e) of the Act.* The requirements for an application under section 44(e) of the Act are:

(A) The requirements of § 2.34(a)(3)(ii) and (iii); and

(B) A verified statement in accordance with paragraph (a)(4)(ii) of this section.

(iv) *Claim of priority, based upon an earlier-filed foreign application, under section 44(d) of the Act.* The requirements for an application under section 44(d) of the Act are:

(A) The requirements of § 2.34(a)(4)(i) and (iii); and

(B) A verified statement in accordance with paragraph (a)(4)(ii) of this section.

(v) *Extension of protection of an international registration under section 66(a) of the Act.* The requirement for an application under section 66(a) of the Act is a verified statement alleging that the applicant/holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation; that the signatory is properly authorized to execute the declaration on behalf of the applicant/holder; and that to the best of his/her knowledge and belief, no other person, firm, corporation, association, or other legal entity, except members, has the right to use the mark in commerce that the U.S. Congress can regulate either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods, services, or collective membership organization of such other person, firm, corporation, association, or other legal entity, to cause confusion, or to cause mistake, or to deceive.

(b) *Verification not filed within reasonable time or omitted.* (1) If the verified statement in paragraph (a)(4)(i)(D), (a)(4)(ii), (a)(4)(iii)(B), or (a)(4)(iv)(B) of this section is not filed within a reasonable time after it is signed, the Office may require the applicant to submit a substitute verified statement attesting that, as of the application filing date, the mark was in use in commerce and the applicant was exercising legitimate control over the use of the mark in commerce; or, as of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce; or

(2) If the verified statement in paragraph (a)(4)(i)(D), (a)(4)(ii), (a)(4)(iii)(B), (a)(4)(iv)(B), or (a)(4)(v) of this section is not filed with the initial application, the verified statement must also allege that, as of the application filing date, the mark was in use in commerce and the applicant was exercising legitimate control over the use of the mark in commerce; or, as of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce.

(c) *More than one basis.* In an application under section 1 or 44 of the Act, an applicant may claim more than one basis, provided the applicant satisfies all requirements for the bases claimed. In such case, the applicant must specify each basis, followed by the goods, services, or collective membership organization to which that basis applies. An applicant must specify the goods, services, or collective membership organization covered by more than one basis. Section 1(a) and 1(b) of the Act may not both be claimed for identical goods, or services, or the same collective membership organization in one application. A basis under section 66(a) of the Act may not be combined with another basis.

(d) *In an application for concurrent use under § 2.42,* the verified statement in paragraph (a)(4)(i)(D) of this section must be modified to indicate that no other persons except members and the concurrent users as specified in the application have the right to use the mark in commerce.

(e) *Multiple-class applications.* For the requirements of a multiple-class application, see § 2.86.

■ 12. Revise § 2.45 to read as follows:

§ 2.45 Requirements for a complete certification mark application; restriction on certification mark application.

(a) A complete application to register a certification mark must include the following:

(1) The requirements specified in § 2.32(a) introductory text through (a)(4), (a)(8) through (10), (c), and (d);

(2) A list of the particular goods or services on or in connection with which the applicant's authorized users use or intend to use the mark. In an application filed under section 44 of the Act, the scope of the goods or services covered by the section 44 basis may not exceed the scope of the goods or services in the foreign application or registration;

(3) For applications filed under section 1 or 44 of the Act, classification in U.S. Class A for an application certifying goods and U.S. Class B for an application certifying services. For applications filed under section 66(a) of the Act, the international class(es) of goods or services assigned by the International Bureau in the corresponding international registration;

(4) One or more of the following five filing bases:

(i) *Use in commerce under section 1(a) of the Act.* The requirements for an application under section 1(a) of the Act are:

(A) A statement specifying what the applicant is certifying about the goods or services in the application;

(B) A copy of the certification standards governing use of the certification mark on or in connection with the goods or services specified in the application;

(C) A statement that the applicant is not engaged in the production or marketing of the goods or services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant;

(D) The date of the applicant's authorized user's first use of the mark anywhere on or in connection with the goods or services and the date of the applicant's authorized user's first use of the mark in commerce. If the application specifies more than one item of goods or services in a class, the dates of use are required for only one item of goods or services specified in that class;

(E) One specimen showing how an authorized user uses the mark in commerce; and

(F) A verified statement alleging:

That the applicant believes the applicant is the owner of the mark; that the mark is in use in commerce; that the applicant is exercising legitimate control over the use of the mark in commerce; that to the best of the signatory's knowledge and belief, no other persons except authorized users have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection

with the goods or services of such other persons, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used in commerce by the applicant's authorized users; and that the facts set forth in the application are true.

(ii) *Intent-to-use under section 1(b) of the Act.* The requirements for an application based on section 1(b) of the Act are:

(A) A statement specifying what the applicant will be certifying about the goods or services in the application;

(B) A statement that the applicant will not engage in the production or marketing of the goods or services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant; and

(C) A verified statement alleging:

That the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce; that to the best of the signatory's knowledge and belief, no other persons, except authorized users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods or services of such other persons, to cause confusion or mistake, or to deceive; and that the facts set forth in the application are true.

(iii) *Registration of a mark in a foreign applicant's country of origin under section 44(e) of the Act.* The requirements for an application under section 44(e) of the Act are:

(A) The requirements of § 2.34(a)(3)(ii) and (iii);

(B) The requirements in paragraphs (a)(4)(ii)(A) and (B) of this section; and

(C) A verified statement in accordance with paragraph (a)(4)(ii)(C) of this section.

(iv) *Claim of priority, based upon an earlier-filed foreign application, under section 44(d) of the Act.* The requirements for an application under section 44(d) of the Act are:

(A) The requirements of § 2.34(a)(4)(i) and (iii);

(B) The requirements in paragraphs (a)(4)(ii)(A) and (B) of this section; and

(C) A verified statement in accordance with paragraph (a)(4)(ii)(C) of this section.

(v) *Extension of protection of an international registration under section 66(a) of the Act.* The requirements for an application under section 66(a) of the Act are:

(A) The requirements of paragraphs (a)(4)(ii)(A) and (B) of this section; and

(B) A verified statement alleging that the applicant/holder has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce that the U.S. Congress can regulate on or in connection with the goods or services specified in the international application/subsequent designation; that the signatory is properly authorized to execute the declaration on behalf of the applicant/holder; and that to the best of his/her knowledge and belief, no other person, firm, corporation, association, or other legal entity, except authorized users, has the right to use the mark in commerce that the U.S. Congress can regulate either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, firm, corporation, association, or other legal entity, to cause confusion, or to cause mistake, or to deceive.

(b) *Verification not filed within reasonable time or omitted.* (1) If the verified statement in paragraph (a)(4)(i)(F), (a)(4)(ii)(C), (a)(4)(iii)(C), or (a)(4)(iv)(C) of this section is not filed within a reasonable time after it is signed, the Office may require the applicant to submit a substitute verified statement attesting that, as of the application filing date, the mark was in use in commerce and the applicant was exercising legitimate control over the use of the mark in commerce; or, as of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce; or

(2) If the verified statement in paragraph (a)(4)(i)(F), (a)(4)(ii)(C), (a)(4)(iii)(C), (a)(4)(iv)(C), or (a)(4)(v)(B) of this section is not filed with the initial application, the verified statement must also allege that, as of the application filing date, the mark was in use in commerce and the applicant was exercising legitimate control over the use of the mark in commerce; or, as of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce.

(c) *More than one basis.* In an application under section 1 or 44 of the Act, an applicant may claim more than one basis, provided the applicant satisfies all requirements for the bases claimed. In such case, the applicant must specify each basis, followed by the goods or services to which that basis applies. An applicant must specify the goods or services covered by more than one basis. Section 1(a) and 1(b) of the Act may not both be claimed for identical goods or services in the same application. A basis under section 66(a) of the Act may not be combined with another basis.

(d) *Concurrent use.* In an application for concurrent use under § 2.42, the verified statement in paragraph (a)(4)(i)(F) of this section must be modified to indicate that no other persons except authorized users and concurrent users as specified in the application have the right to use the mark in commerce.

(e) *Multiple-class applications.* For the requirements of a multiple-class application, see § 2.86.

(f) *Restriction on certification mark application.* A single application may not include a certification mark and another type of mark. The same mark for the same goods or services is not registrable as both a certification mark and another type of mark. See sections 4 and 14(5)(B) of the Act.

■ 13. Amend § 2.56 by revising paragraphs (b)(2), (b)(5), (c), and (d)(3) to read as follows:

§ 2.56 Specimens.

* * * * *

(b) * * *

(2) A service mark specimen must show the mark as used in the sale or advertising of the services.

* * * * *

(5) A certification mark specimen must show how a person other than the owner uses the mark to reflect certification of regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of that person's goods or services; or that members of a union or other organization performed the work or labor on the goods or services.

(c) A photocopy or other reproduction of a specimen of the mark as used on or in connection with the goods, or in the sale or advertising of the services, is acceptable. However, a photocopy of the drawing required by § 2.51 is not a proper specimen.

(d) * * *

(3) In the absence of non-bulky alternatives, a specimen of use in another appropriate medium may be designated as acceptable by the Office.

* * * * *

■ 14. Revise § 2.59 to read as follows:

§ 2.59 Filing substitute specimen(s).

(a) In an application under section 1(a) of the Act, the applicant may submit substitute specimens of the mark as used on or in connection with the goods or in the sale or advertising of the services, or as used to indicate membership in the collective organization. The applicant must submit a verified statement that the substitute

specimen was in use in commerce at least as early as the filing date of the application. The verified statement is not required if the specimen is a duplicate or facsimile of a specimen already of record in the application.

(b) In an application under section 1(b) of the Act, after filing either an amendment to allege use under § 2.76 or a statement of use under § 2.88, the applicant may submit substitute specimens of the mark as used on or in connection with the goods or in the sale or advertising of the services, or as used to indicate membership in the collective organization. If the applicant submits substitute specimen(s), the applicant must:

(1) For an amendment to allege use under § 2.76, submit a verified statement that the substitute specimen(s) was in use in commerce prior to filing the amendment to allege use.

(2) For a statement of use under § 2.88, submit a verified statement that the substitute specimen(s) was in use in commerce either prior to filing the statement of use or prior to the expiration of the deadline for filing the statement of use.

■ 15. Amend § 2.71 by revising paragraphs (a), (b), (c) introductory text, and (d) and adding paragraph (e) to read as follows:

§ 2.71 Amendments to correct informalities.

* * * * *

(a) The applicant may amend the application to clarify or limit, but not to broaden, the identification of goods and/or services or the description of the nature of the collective membership organization.

(b)(1) If the verified statement in an application under § 2.33 is unsigned or signed by the wrong party, the applicant may submit a substitute verification.

(2) If the verified statement in a statement of use under § 2.88, or a request for extension of time to file a statement of use under § 2.89, is unsigned or signed by the wrong party, the applicant must submit a substitute verification before the expiration of the statutory deadline for filing the statement of use.

(c) The applicant may amend the dates of use, provided that the amendment is verified, except that the following amendments are *not* permitted:

* * * * *

(d) The applicant may amend the application to correct the name of the applicant, if there is a mistake in the manner in which the name of the applicant is set out in the application. The amendment must be verified. However, the application cannot be amended to set forth a different entity as the applicant. An application filed in the name of an entity that did not own the mark as of the filing date of the application is void.

(e) An amendment that would materially alter the certification statement specified in § 2.45(a)(4)(i)(A) or (a)(4)(ii)(A) will not be permitted.

■ 16. Amend § 2.74 by revising paragraph (b) to read as follows:

§ 2.74 Form and signature of amendment.

* * * * *

(b) *Signature.* A request for amendment of an application must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2). If the amendment requires verification, see § 2.2(n).

■ 17. Revise § 2.76 to read as follows:

§ 2.76 Amendment to allege use.

(a) *When to file an amendment to allege use.* (1) An application under section 1(b) of the Act may be amended to allege use of the mark in commerce under section 1(c) of the Act at any time between the filing of the application and the date the examiner approves the mark for publication. Thereafter, an allegation of use may be submitted only as a statement of use under § 2.88 after the issuance of a notice of allowance under section 13(b)(2) of the Act. An amendment to allege use filed outside the time period specified in this paragraph will not be reviewed.

(2)(i) For a trademark, service mark, collective trademark, collective service mark, and certification mark, an amendment to allege use may be filed only when the mark has been in use in commerce on or in connection with all the goods or services specified in the application for which the applicant will seek registration. For a collective membership mark, an amendment to allege use may be filed only when the mark has been in use in commerce to indicate membership in the collective organization specified in the application for which the applicant will seek registration.

(ii) An amendment to allege use may be accompanied by a request in accordance with § 2.87 to divide out from the application the goods, services, or classes not yet in use in commerce.

(b) *A complete amendment to allege use.* A complete amendment to allege use must include the following:

(1) A verified statement alleging:

(i) The applicant believes the applicant is the owner of the mark;

(ii) The mark is in use in commerce;

(iii) The date of first use of the mark anywhere on or in connection with the goods or services, and/or to indicate membership in the collective organization specified in the application, and the date of first use of the mark in commerce. If the amendment to allege use specifies more than one item of goods or services in a class, the dates of use are required for only one item of goods or services specified in that class;

(iv) The goods, services, and/or nature of the collective membership organization specified in the application; and

(v) For a collective mark and certification mark, the applicant is exercising legitimate control over the use in commerce of the mark.

(2) One specimen showing how the applicant, member, or authorized user uses the mark in commerce. See § 2.56 for the requirements for specimens;

(3) The fee per class required by § 2.6;

(4) For a collective mark, the requirements of § 2.44(a)(4)(i)(A);

(5) For a certification mark, the requirements of § 2.45(a)(4)(i)(A)–(C); and

(6) The title ''Amendment to Allege Use'' should appear at the top of the first page of the document, if not filed through TEAS.

(c) *Minimum filing requirements for a timely filed amendment to allege use.* The Office will review a timely filed amendment to allege use to determine whether it meets the following minimum requirements:

(1) The fee required by § 2.6 for at least one class;

(2) One specimen of the mark as used in commerce; and

(3) The verified statement in paragraph (b)(1)(ii) of this section.

(d) *Deficiency notification.* If the amendment to allege use is filed within the permitted time period but does not meet the minimum requirements specified in paragraph (c) of this section, the Office will notify the applicant of the deficiency. The deficiency may be corrected provided the mark has not been approved for publication. If an acceptable amendment to correct the deficiency is not filed prior to approval of the mark for publication, the amendment will not be examined, and the applicant must instead file a statement of use after the notice of allowance issues.

(e) *Notification of refusals and requirements.* A timely filed amendment to allege use that meets the

minimum requirements specified in paragraph (c) of this section will be examined in accordance with §§ 2.61 through 2.69. If, as a result of the examination of the amendment to allege use, the applicant is found not entitled to registration for any reason not previously stated, the applicant will be notified and advised of the reasons and of any formal requirements or refusals. The notification shall restate or incorporate by reference all unresolved refusals or requirements previously stated. The amendment to allege use may be amended in accordance with §§ 2.59 and 2.71 through 2.75.

(f) *Withdrawal.* An amendment to allege use may be withdrawn for any reason prior to approval of a mark for publication.

(g) *Verification not filed within reasonable time.* If the verified statements in paragraphs (b)(1)(ii) and, if applicable, (b)(1)(v) of this section are not filed within a reasonable time after they are signed, the Office may require the applicant to submit substitute verified statements attesting that the mark is in use in commerce, and, if applicable, the applicant is exercising legitimate control over the use of the mark in commerce.

(h) *An amendment to allege use is not a response but may include amendments.* The filing of an amendment to allege use does not constitute a response to any outstanding action by the examiner. *See* § 2.62. The amendment to allege use may include amendments in accordance with §§ 2.59 and 2.71 through 2.75.

(i) *If the application is amended to concurrent use under § 2.73,* the amendment to allege use must include a verified statement modified in accordance with § 2.33(f), § 2.44(d), or § 2.45(d).

(j) *Multiple-class application.* For the requirements of a multiple-class application, see § 2.86.

■ 18. Amend § 2.77, by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 2.77 Amendments between notice of allowance and statement of use.

(a) The only amendments that may be entered in an application between the issuance of the notice of allowance and the submission of a statement of use are:

(1) The deletion of specified goods or services, or the entire description of the nature of the collective membership organization, from the identification;

* * * * *

■ 19. Revise § 2.86 to read as follows:

§ 2.86 Multiple-class applications.

(a) *In a single application for a trademark, service mark, and/or collective mark,* an applicant may apply to register the same mark for goods, services, and/or a collective membership organization in multiple classes. In a multiple-class application, the applicant must satisfy the following, in addition to the application requirements of § 2.32 for a trademark or service mark, and § 2.44 for collective marks:

(1) For an application filed under section 1 or 44 of the Act, identify the goods or services in each international class and/or the nature of the collective membership organization in U.S. Class 200; for applications filed under section 66(a) of the Act, identify the goods, services, and/or the nature of the collective membership organization in each international class assigned by the International Bureau in the corresponding international registration;

(2) Submit the application filing fee required by § 2.6 for each class; and

(3) Include either dates of use and one specimen for each class based on section 1(a) of the Act; or a statement that the applicant has a bona fide intention to use the mark in commerce, for a trademark or service mark, or a statement that the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce, for collective marks, for each class based on section 1(b), 44, or 66(a) of the Act. When requested by the Office, additional specimens must be provided.

(b) *In a single application for a certification mark,* an applicant may apply to register the same certification mark for goods and services. In such case, the applicant must satisfy the following, in addition to the application requirements of § 2.45:

(1) For an application filed under section 1 or 44 of the Act, identify the goods in U.S. Class A and the services in U.S. Class B; for applications filed under section 66(a) of the Act, identify the goods and services in each international class assigned by the International Bureau in the corresponding international registration;

(2) Submit the application filing fee required by § 2.6 for both classes; and

(3) Include either dates of use and one specimen for each class based on section 1(a) of the Act; or a statement that the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce for each class based on section 1(b), 44, or 66(a) of the Act. When requested by the Office, additional specimens must be provided.

(c) In a single application, both section 1(a) and 1(b) of the Act may not be claimed for identical goods or services.

(d) In a single application based on section 1 or 44 of the Act, goods or services in U.S. Classes A and/or B may not be combined with either goods or services in any international class or with a collective membership organization in U.S. Class 200; and in a single application based on section 66(a) of the Act, a certification mark application may not be combined with goods, services, or a collective membership organization in any international class. *See* § 2.45(f).

(e) An amendment to allege use under § 2.76 or a statement of use under § 2.88 for multiple classes must include, for each class, the required fee, dates of use, and one specimen. When requested by the Office, additional specimens must be provided. The applicant may not file an amendment to allege use or a statement of use until the applicant has used the mark on or in connection with all the goods, services, or classes, unless the applicant also files a request to divide under § 2.87.

(f) The Office will issue a single certificate of registration for the mark, unless the applicant files a request to divide under § 2.87.

■ 20. Revise § 2.88 to read as follows:

§ 2.88 Statement of use after notice of allowance.

(a) *When to file a statement of use.* (1) In an application under section 1(b) of the Act, a statement of use, required under section 1(d) of the Act, must be filed within six months after issuance of a notice of allowance under section 13(b)(2) of the Act, or within an extension of time granted under § 2.89. A statement of use filed prior to issuance of a notice of allowance is premature and will not be reviewed.

(2)(i) For a trademark, service mark, collective trademark, collective service mark, and certification mark, a statement of use may be filed only when the mark has been in use in commerce on or in connection with all the goods or services specified in the notice of allowance for which the applicant will seek registration in that application. For a collective membership mark, a statement of use may be filed only when the mark has been in use in commerce to indicate membership in the collective membership organization specified in the notice of allowance for which the applicant will seek registration in that application.

(ii) A statement of use may be accompanied by a request in accordance with § 2.87 to divide out from the

application the goods, services, or classes not yet in use in commerce.

(b) *A complete statement of use.* A complete statement of use must include the following:

(1) A verified statement alleging:

(i) The applicant believes the applicant is the owner of the mark;

(ii) The mark is in use in commerce;

(iii) The date of first use of the mark anywhere on or in connection with the goods, services, and/or to indicate membership in the collective organization specified in the application, and the date of first use of the mark in commerce. If the statement of use specifies more than one item of goods or services in a class, the dates of use are required for only one item of goods or services specified in that class;

(iv) The goods, services, and/or nature of the collective membership organization specified in the notice of allowance. The goods or services specified in a statement of use must conform to those goods or services specified in the notice of allowance for trademark, service mark, collective trademark, collective service mark, or certification mark applications. Any goods or services specified in the notice of allowance that are omitted from the identification of goods or services in the statement of use will be presumed to be deleted and the deleted goods or services may not be reinserted in the application. For collective membership mark applications, the description of the nature of the collective membership organization in the statement of use must conform to that specified in the notice of allowance; and

(v) For a collective mark and certification mark, the applicant is exercising legitimate control over the use in commerce of the mark;

(2) One specimen showing how the applicant, member, or authorized user uses the mark in commerce. See § 2.56 for the requirements for specimens;

(3) *Fee(s).* The fee required by § 2.6 per class. The applicant must pay a filing fee sufficient to cover at least one class within the statutory time for filing the statement of use, or the application will be abandoned. If the applicant submits a fee insufficient to cover all the classes in a multiple-class application, the applicant should specify the classes to be abandoned. If the applicant timely submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to be abandoned, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining class(es) or to specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid, beginning with the lowest numbered class, in ascending order. The Office will delete the class(es) not covered by the fees submitted;

(4) For a collective mark, the requirements of § 2.44(a)(4)(i)(A);

(5) For a certification mark, the requirements of § 2.45(a)(4)(i)(A) through (C); and

(6) The title ''Statement of Use'' should appear at the top of the first page of the document, if not filed through TEAS.

(c) *Minimum filing requirements for a timely filed statement of use.* The Office will review a timely filed statement of use to determine whether it meets the following minimum requirements:

(1) The fee required by § 2.6 for at least one class;

(2) One specimen of the mark as used in commerce; and

(3) The verified statement in paragraph (b)(1)(ii) of this section. If this verified statement is unsigned or signed by the wrong party, the applicant must submit a substitute verified statement on or before the statutory deadline for filing the statement of use.

(d) *Deficiency notification.* If the statement of use is filed within the permitted time period but does not meet the minimum requirements specified in paragraph (c) of this section, the Office will notify the applicant of the deficiency. If the time permitted for the applicant to file a statement of use has not expired, the applicant may correct the deficiency.

(e) *Notification of refusals and requirements.* A timely filed statement of use that meets the minimum requirements specified in paragraph (c) of this section will be examined in accordance with §§ 2.61 through 2.69. If, as a result of the examination of the statement of use, the applicant is found not entitled to registration, the applicant will be notified and advised of the reasons and of any formal requirements or refusals. The statement of use may be amended in accordance with §§ 2.59 and 2.71 through 2.75.

(f) *Statement of use may not be withdrawn.* The applicant may not withdraw a timely filed statement of use to return to the previous status of awaiting submission of a statement of use, regardless of whether it is in compliance with paragraph (c) of this section.

(g) *Verification not filed within reasonable time.* If the verified statements in paragraphs (b)(1)(ii) and, if applicable, (b)(1)(v) of this section are not filed within a reasonable time after they are signed, the Office may require the applicant to submit substitute verified statements attesting that the mark is in use in commerce, and, if applicable, the applicant is exercising legitimate control over the use of the mark in commerce.

(h) *Amending the application.* The statement of use may include amendments in accordance with §§ 2.51, 2.59, and 2.71 through 2.75.

(i) *Concurrent use.* If the application is amended to concurrent use under § 2.73, the statement of use must include a verified statement modified in accordance with § 2.33(f), § 2.44(d), or § 2.45(d).

(j) *Multiple-class application.* For the requirements of a multiple-class application, see § 2.86.

(k) *Abandonment.* The failure to timely file a statement of use which meets the minimum requirements specified in paragraph (c) of this section shall result in the abandonment of the application.

■ 21. Revise § 2.89 to read as follows:

§ 2.89 Extensions of time for filing a statement of use.

(a) *First extension request after issuance of notice of allowance.* The applicant may request a six-month extension of time to file the statement of use required by § 2.88. The extension request must be filed within six months of the date of issuance of the notice of allowance under section 13(b)(2) of the Act and must include the following:

(1) A written request for an extension of time to file the statement of use;

(2) The fee required by § 2.6 per class. The applicant must pay a filing fee sufficient to cover at least one class within the statutory time for filing the extension request, or the request will be denied. If the applicant submits a fee insufficient to cover all the classes in a multiple-class application, the applicant should specify the classes to be abandoned. If the applicant timely submits a fee sufficient to pay for at least one class, but insufficient to cover all the classes, and the applicant has not specified the class(es) to be abandoned, the Office will issue a notice granting the applicant additional time to submit the fee(s) for the remaining classes, or specify the class(es) to be abandoned. If the applicant does not submit the required fee(s) or specify the class(es) to be abandoned within the set time period, the Office will apply the fees paid, beginning with the lowest numbered class, in ascending order. The Office will delete the class(es) not covered by the fees submitted; and

(3) A verified statement that the applicant has a continued bona fide

intention to use the mark in commerce, specifying the relevant goods or services, for trademarks or service marks; or that the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce, specifying the relevant goods, services, or collective membership organization, for collective marks or certification marks. If this verified statement is unsigned or signed by the wrong party, the applicant must submit a substitute verified statement within six months of the date of issuance of the notice of allowance.

(b) *Subsequent extension requests.* Before the expiration of the previously granted extension of time, the applicant may request further six-month extensions of time to file the statement of use by submitting the following:

(1) A written request for an extension of time to file the statement of use;

(2) The requirements of paragraph (a)(2) of this section for a fee;

(3) A verified statement that the applicant has a continued bona fide intention to use the mark in commerce, specifying the relevant goods or services, for trademarks or service marks; or that the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce, specifying the relevant goods, services, or collective membership organization, for collective marks or certification marks. If this verified statement is unsigned or signed by the wrong party, the applicant must submit a substitute verified statement before the expiration of the previously granted extension; and

(4) A showing of good cause, as specified in paragraph (d) of this section.

(c) *Four subsequent extension requests permitted.* Extension requests specified in paragraph (b) of this section will be granted only in six-month increments and may not aggregate more than 24 months total.

(d) *Good cause.* A showing of good cause must include:

(1) For a trademark or service mark, a statement of the applicant's ongoing efforts to make use of the mark in commerce on or in connection with each of the relevant goods or services. Those efforts may include product or service research or development, market research, manufacturing activities, promotional activities, steps to acquire distributors, steps to obtain governmental approval, or other similar activities. In the alternative, the applicant must submit a satisfactory explanation for the failure to make efforts to use the mark in commerce.

(2) For a collective mark, a statement of ongoing efforts to make use of the mark in commerce by members on or in connection with each of the relevant goods or services or in connection with the applicant's collective membership organization. Those efforts may include the development of standards, the steps taken to acquire members such as marketing and promotional activities targeted to potential members, training members regarding the standards, or other similar activities. In the alternative, the applicant must submit a satisfactory explanation for the failure to make efforts for applicant's members to use the mark in commerce.

(3) For a certification mark, a statement of ongoing efforts to make use of the mark in commerce by authorized users on or in connection with each of the relevant goods or services. Those efforts may include the development of certification standards, steps taken to obtain governmental approval or acquire authorized users, marketing and promoting the recognition of the certification program or of the goods or services that meet the certification standards of the applicant, training authorized users regarding the standards, or other similar activities. In the alternative, the applicant must submit a satisfactory explanation for the failure to make efforts for applicant's authorized users to use the mark in commerce.

(e) *Extension request filed in conjunction with or after a statement of use.* (1) An applicant may file one request for a six-month extension of time for filing a statement of use when filing a statement of use or after filing a statement of use if time remains in the existing six-month period in which the statement of use was filed, provided that the time requested would not extend beyond 36 months from the date of issuance of the notice of allowance. Thereafter, applicant may not request any further extensions of time.

(2) A request for an extension of time that is filed under paragraph (e)(1) of this section, must comply with all the requirements of paragraph (a) of this section, if it is an applicant's first extension request, or paragraph (b) of this section, if it is a second or subsequent extension request. However, in a request under paragraph (b) of this section, an applicant may satisfy the requirement for a showing of good cause by asserting the applicant believes the applicant has made valid use of the mark in commerce, as evidenced by the submitted statement of use, but that if the statement of use is found by the Office to be fatally defective, the applicant will need additional time in which to file a new statement of use.

(f) *Goods or services.* For trademark, service mark, collective trademark, collective service mark, or certification mark applications, the goods or services specified in a request for an extension of time for filing a statement of use must conform to those goods or services specified in the notice of allowance. Any goods or services specified in the notice of allowance that are omitted from the identification of goods or services in the request for extension of time will be presumed to be deleted and the deleted goods or services may not thereafter be reinserted in the application. For collective membership mark applications, the description of the nature of the collective membership organization in the request for extension of time must conform to that set forth in the notice of allowance.

(g) *Notice of grant or denial.* The applicant will be notified of the grant or denial of a request for an extension of time, and of the reasons for a denial. Failure to notify the applicant of the grant or denial of the request prior to the expiration of the existing period or requested extension does not relieve the applicant of the responsibility of timely filing a statement of use under § 2.88. If, after denial of an extension request, there is time remaining in the existing six-month period for filing a statement of use, applicant may submit a substitute request for extension of time to correct the defects of the prior request. Otherwise, the only recourse available after denial of a request for an extension of time is to file a petition to the Director in accordance with § 2.66 or § 2.146. A petition from the denial of an extension request must be filed within two months of the date of issuance of the denial of the request. If the petition is granted, the term of the requested six-month extension that was the subject of the petition will run from the date of expiration of the previously existing six-month period for filing a statement of use.

(h) *Verification not filed within reasonable time.* If the verified statement in paragraph (a)(3) or (b)(3) of this section is not filed within a reasonable time after it is signed, the Office may require the applicant to submit a substitute verified statement attesting that the applicant has a continued bona fide intention to use the mark in commerce, for trademarks or service marks; or that the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce, for collective marks or certification marks.

■ 22. Amend § 2.146 by revising paragraphs (c) and (d) to read as follows:

§ 2.146 Petitions to the Director.

* * * * *

(c) Every petition to the Director shall include a statement of the facts relevant to the petition, the points to be reviewed, the action or relief requested, and the fee required by § 2.6. Any brief in support of the petition shall be embodied in or accompany the petition. The petition must be signed by the petitioner, someone with legal authority to bind the petitioner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(5). When facts are to be proved on petition, the petitioner must submit proof in the form of verified statements signed by someone with firsthand knowledge of the facts to be proved, and any exhibits.

(d) A petition must be filed within two months of the date of issuance of the action from which relief is requested, unless a different deadline is specified elsewhere in this chapter, and no later than two months from the date when Office records are updated to show that the registration has been cancelled or has expired.

* * * * *

■ 23. Amend § 2.161 by revising paragraphs (b), (c), (d)(1) and (3), and (e) through (h) and adding paragraphs (i) through (k) to read as follows:

§ 2.161 Requirements for a complete affidavit or declaration of continued use or excusable nonuse.

* * * * *

(b) Include a verified statement attesting to the use in commerce or excusable nonuse of the mark within the period set forth in section 8 of the Act. This verified statement must be executed on or after the beginning of the filing period specified in § 2.160(a);

(c) Include the U.S. registration number;

(d)(1) Include the fee required by § 2.6 for each class that the affidavit or declaration covers;

* * * * *

(3) If at least one fee is submitted for a multiple-class registration, but the fee is insufficient to cover all the classes, and the class(es) to which the fee(s) should be applied are not specified, the Office will issue a notice requiring either submission of the additional fee(s) or specification of the class(es) to which the initial fee(s) should be applied. Additional fee(s) may be submitted if the requirements of § 2.164 are met. If the additional fee(s) are not submitted within the time period set out in the Office action and the class(es) to which the original fee(s) should be applied are not specified, the Office will presume that the fee(s) cover the classes in ascending order, beginning with the lowest numbered class;

(e)(1) Specify the goods, services, or nature of the collective membership organization for which the mark is in use in commerce, and/or the goods, services, or nature of the collective membership organization for which excusable nonuse is claimed under paragraph (f)(2) of this section; and

(2) Specify the goods, services, or classes being deleted from the registration, if the affidavit or declaration covers fewer than all the goods, services, or classes in the registration;

(f)(1) State that the registered mark is in use in commerce; or

(2) If the registered mark is not in use in commerce on or in connection with all the goods, services, or classes specified in the registration, set forth the date when such use of the mark in commerce stopped and the approximate date when such use is expected to resume; and recite facts to show that nonuse as to those goods, services, or classes is due to special circumstances that excuse the nonuse and is not due to an intention to abandon the mark; and

(g) Include one specimen showing how the mark is in use in commerce for each class in the registration, unless excusable nonuse is claimed under paragraph (f)(2) of this section. When requested by the Office, additional specimens must be provided. The specimen must meet the requirements of § 2.56.

(h) The Office may require the owner to furnish such information, exhibits, affidavits or declarations, and such additional specimens as may be reasonably necessary to the proper examination of the affidavit or declaration under section 8 of the Act.

(i) Additional requirements for a collective mark: In addition to the above requirements, a complete affidavit or declaration pertaining to a collective mark must:

(1) State that the owner is exercising legitimate control over the use of the mark in commerce; and

(2) If the registration issued from an application based solely on section 44 of the Act, state the nature of the owner's control over the use of the mark by the members in the first affidavit or declaration filed under paragraph (a) of this section.

(j) Additional requirements for a certification mark: In addition to the above requirements, a complete affidavit or declaration pertaining to a certification mark must:

(1) Include a copy of the certification standards specified in § 2.45(a)(4)(i)(B);

(i) *Submitting certification standards for the first time.* If the registration issued from an application based solely on section 44 of the Act, include a copy of the certification standards in the first affidavit or declaration filed under paragraph (a) of this section; or

(ii) *Certification standards submitted in prior filing.* If the certification standards in use at the time of filing the affidavit or declaration have not changed since the date they were previously submitted to the Office, include a statement to that effect; if the certification standards in use at the time of filing the affidavit or declaration have changed since the date they were previously submitted to the Office, include a copy of the revised certification standards;

(2) State that the owner is exercising legitimate control over the use of the mark in commerce; and

(3) Satisfy the requirements of § 2.45(a)(4)(i)(A) and (C).

(k) For requirements of a complete affidavit or declaration of use in commerce or excusable nonuse for a registration that issued from a section 66(a) basis application, see § 7.37.

■ 24. Amend § 2.167 by revising the introductory text and paragraphs (a) and (c) through (g) and adding paragraphs (h) through (k) to read as follows:

§ 2.167 Affidavit or declaration under section 15.

The affidavit or declaration in accordance with § 2.20 provided by section 15 of the Act for acquiring incontestability for a mark registered on the Principal Register or a mark registered under the Trademark Act of 1881 or 1905 and published under section 12(c) of the Act (see § 2.153) must:

(a) Be verified;

* * * * *

(c) For a trademark, service mark, collective trademark, collective service mark, and certification mark, recite the goods or services stated in the registration on or in connection with which the mark has been in continuous use in commerce for a period of five years after the date of registration or date of publication under section 12(c) of the Act, and is still in use in commerce; for a collective membership mark, describe the nature of the owner's collective membership organization specified in the registration in connection with which the mark has been in continuous use in commerce for

a period of five years after the date of registration or date of publication under section 12(c) of the Act, and is still in use in commerce;

(d) Specify that there has been no final decision adverse to the owner's claim of ownership of such mark for such goods, services, or collective membership organization, or to the owner's right to register the same or to keep the same on the register;

(e) Specify that there is no proceeding involving said rights pending in the Office or in a court and not finally disposed of;

(f) Be filed within one year after the expiration of any five-year period of continuous use following registration or publication under section 12(c) of the Act; and

(g) Include the fee required by § 2.6 for each class to which the affidavit or declaration pertains in the registration. If no fee, or a fee insufficient to cover at least one class, is filed at an appropriate time, the affidavit or declaration will not be refused if the required fee(s) (see § 2.6) is filed in the Office within the time limit set forth in the notification of this defect by the Office. If the submitted fees are insufficient to cover all classes in the registration, the particular class or classes to which the affidavit or declaration pertains should be specified.

(h) If the affidavit or declaration fails to satisfy any of the requirements in paragraphs (a) through (g) of this section, the owner will be notified in an Office action that the affidavit or declaration cannot be acknowledged. If a response is not received within the time period provided or does not satisfy the requirements of the Office action, the affidavit or declaration will be abandoned.

(i) If the affidavit or declaration satisfies paragraphs (a) through (g) of this section, the Office will issue a notice of acknowledgement.

(j) An affidavit or declaration may be abandoned by the owner upon petition to the Director under § 2.146 either before or after the notice of acknowledgement has issued.

(k) If an affidavit or declaration is abandoned, the owner may file a new affidavit or declaration with a new filing fee.

■ 25. Amend § 2.173 by revising paragraphs (b) through (g) and adding paragraphs (h) and (i) to read as follows:

§ 2.173 Amendment of registration.

* * * * *

(b) *Requirements for request.* A request for amendment or disclaimer must:

(1) Include the fee required by § 2.6;

(2) Be verified and signed in accordance with § 2.193(e)(6); and

(3) If the amendment involves a change in the mark: one new specimen per class showing the mark as used on or in connection with the goods, services, or collective membership organization; a verified statement that the specimen was in use in commerce at least as early as the filing date of the amendment; and a new drawing of the amended mark. When requested by the Office, additional specimens must be provided.

(4) The Office may require the owner to furnish such specimens, information, exhibits, and affidavits or declarations as may be reasonably necessary to the proper examination of the amendment.

(c) *Registration must still contain registrable matter.* The registration as amended must still contain registrable matter, and the mark as amended must be registrable as a whole.

(d) *Amendment may not materially alter the mark.* An amendment or disclaimer that materially alters the character of the mark will not be permitted, in accordance with section 7(e) of the Act.

(e) *Amendment of identification of goods, services, or collective membership organization.* No amendment in the identification of goods or services, or description of the nature of the collective membership organization, in a registration will be permitted except to restrict the identification or to change it in ways that would not require republication of the mark.

(f) *Amendment of certification statement for certification marks.* An amendment of the certification statement specified in § 2.45(a)(4)(i)(A) or (a)(4)(ii)(A) that would materially alter the certification statement will not be permitted, in accordance with section 7(e) of the Act.

(g) *Conforming amendments may be required.* If the registration includes a disclaimer, description of the mark, or other miscellaneous statement, any request to amend the registration must include a request to make any necessary conforming amendments to the disclaimer, description, or other statement.

(h) *Elimination of disclaimer.* No amendment seeking the elimination of a disclaimer will be permitted, unless deletion of the disclaimed portion of the mark is also sought.

(i) *No amendment to add or delete section 2(f) claim of acquired distinctiveness.* An amendment seeking the addition or deletion of a claim of acquired distinctiveness will not be permitted.

■ 26. Amend § 2.175 by revising paragraph (b)(2) to read as follows:

§ 2.175 Correction of mistake by owner.

* * * * *

(b) * * *

(2) Be verified; and

* * * * *

■ 27. Amend § 2.183 by revising paragraphs (d) and (e) to read as follows:

§ 2.183 Requirements for a complete renewal application.

* * * * *

(d) If the renewal application covers less than all the goods, services, or classes in the registration, then a list specifying the particular goods, services, or classes to be renewed.

(e) If at least one fee is submitted for a multiple-class registration, but the fee is insufficient to cover all the classes and the class(es) to which the fee(s) should be applied are not specified, the Office will issue a notice requiring either the submission of additional fee(s) or an indication of the class(es) to which the original fee(s) should be applied. Additional fee(s) may be submitted if the requirements of § 2.185 are met. If the required fee(s) are not submitted and the class(es) to which the original fee(s) should be applied are not specified, the Office will presume that the fee(s) cover the classes in ascending order, beginning with the lowest numbered class.

* * * * *

■ 28. Amend § 2.193 by revising paragraphs (c)(2), (e) introductory text, (e)(1), and (f) to read as follows:

§ 2.193 Trademark correspondence and signature requirements.

* * * * *

(c) * * *

(2) Sign the document using some other form of electronic signature specified by the Director.

* * * * *

(e) *Proper person to sign.* Documents filed in connection with a trademark application or registration must be signed by a proper person. Unless otherwise specified by law, the following requirements apply:

(1) *Verified statement of facts.* A verified statement in support of an application for registration, amendment to an application for registration, allegation of use under § 2.76 or § 2.88, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 12(c), 15, or 71 of the Act must satisfy the requirements of § 2.2(n), and be signed by the owner or a person properly authorized to sign on behalf of the owner. A person who

is properly authorized to verify facts on behalf of an owner is:

* * * * *

(f) *Signature as certification.* The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by any person, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter. Violations of § 11.18(b) of this chapter may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under § 11.18(c) of this chapter. Any practitioner violating § 11.18(b) of this chapter may also be subject to disciplinary action. See § 11.18(d) and § 11.804 of this chapter.

* * * * *

PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

■ 29. The authority citation for part 7 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 30. Amend § 7.1 by revising paragraph (c) and adding paragraph (f) to read as follows:

§ 7.1 Definitions of terms as used in this part.

* * * * *

(c) The acronym *TEAS* means the Trademark Electronic Application System, available at *http://www.uspto.gov.*

* * * * *

(f) The definitions specified in § 2.2(k) and (n) of this chapter apply to this part.

■ 31. Amend § 7.37 by revising paragraphs (b) introductory text, (b)(1), (d)(1), (d)(3), (e), (f)(1), (g), and (h) and adding paragraphs (i) and (j) to read as follows:

§ 7.37 Requirements for a complete affidavit or declaration of use in commerce or excusable nonuse.

* * * * *

(b) Include a verified statement attesting to the use in commerce or excusable nonuse of the mark within the period set forth in section 71 of the Act. The verified statement must be executed on or after the beginning of the filing period specified in § 7.36(b). A person who is properly authorized to sign on behalf of the holder is:

(1) A person with legal authority to bind the holder;

* * * * *

(d)(1) Include the fee required by § 7.6 for each class that the affidavit or declaration covers;

* * * * *

(3) If at least one fee is submitted for a multiple-class registration, but the fee is insufficient to cover all the classes and the class(es) to which the fee(s) should be applied are not specified, the Office will issue a notice requiring either submission of the additional fee(s) or specification of the class(es) to which the initial fee(s) should be applied. Additional fees may be submitted if the requirements of § 7.39 are met. If the additional fee(s) are not submitted within the time period set out in the Office action and the class(es) to which the original fee(s) should be applied are not specified, the Office will presume that the fee(s) cover the classes in ascending order, beginning with the lowest numbered class;

(e)(1) Specify the goods, services, or nature of the collective membership organization for which the mark is in use in commerce, and/or the goods, services, or nature of the collective membership organization for which excusable nonuse is claimed under paragraph (f)(2) of this section; and

(2) Specify the goods, services, or classes being deleted from the registration, if the affidavit or declaration covers fewer than all the goods, services, or classes in the registration;

(f)(1) State that the registered mark is in use in commerce; or

(2) If the registered mark is not in use in commerce on or in connection with all the goods, services, or classes specified in the registration, set forth the date when such use of the mark in commerce stopped and the approximate date when such use is expected to resume; and recite facts to show that nonuse as to those goods, services, or classes is due to special circumstances that excuse the nonuse and is not due to an intention to abandon the mark; and

(g) Include one specimen showing how the mark is in use in commerce for each class in the registration, unless excusable nonuse is claimed under paragraph (f)(2) of this section. When requested by the Office, additional specimens must be provided. The specimen must meet the requirements of § 2.56 of this chapter.

(h) The Office may require the holder to furnish such information, exhibits, affidavits or declarations, and such additional specimens as may be reasonably necessary to the proper examination of the affidavit or declaration under section 71 of the Act.

(i) Additional requirements for a collective mark: In addition to the above requirements, a complete affidavit or declaration pertaining to a collective mark must:

(1) State that the holder is exercising legitimate control over the use of the mark in commerce; and

(2) State the nature of the holder's control over the use of the mark by the members in the first affidavit or declaration filed under paragraph (a) of this section.

(j) Additional requirements for a certification mark: In addition to the above requirements, a complete affidavit or declaration pertaining to a certification mark must:

(1) Include a copy of the certification standards specified in § 2.45(a)(4)(i)(B) of this chapter;

(i) *Submitting certification standards for the first time.* In the first affidavit or declaration filed under paragraph (a) of this section, include a copy of the certification standards; or

(ii) *Certification standards submitted in prior filing.* If the certification standards in use at the time of filing the affidavit or declaration have not changed since the date they were previously submitted to the Office, include a statement to that effect; if the certification standards in use at the time of filing the affidavit or declaration have changed since the date they were previously submitted to the Office, include a copy of the revised certification standards;

(2) State that the holder is exercising legitimate control over the use of the mark in commerce; and

(3) Satisfy the requirements of § 2.45(a)(4)(i)(A) and (C) of this chapter.

Dated: June 5, 2015.

Russell Slifer,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2015–14267 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0821; FRL–9928–80–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; State of New Mexico; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard and Repeal of Cement Kilns Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) submittal from the State of New Mexico pertaining to the implementation, maintenance, and enforcement of the 2008 National Ambient Air Quality Standards (NAAQS or standards) for Lead (Pb). EPA is also approving a revision to the New Mexico SIP that removes a repealed state-wide cement kilns rule from the SIP.

DATES: This final rule is effective on July 13, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2011–0821. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, (214) 665–6454, *fuerst.sherry@epa.gov* (Pb SIP); or Alan Shar, (214) 665–6691, *shar.alan@epa.gov* (cement kilns SIP revision).

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

The background for this action is discussed in detail in our December 11, 2014, proposal (79 FR 73512). In that rulemaking action, we proposed to approve (1) a September 9, 2011, SIP submittal from the State of New Mexico pertaining to the implementation, maintenance and enforcement of the 2008 Pb NAAQS and (2) a July 31, 2014, SIP submittal removing from the SIP the repealed New Mexico cement kilns rule. The public comment period for the December 11, 2014, proposal (79 FR 73512) expired on January 12, 2015, and we did not receive any comments concerning our proposal. Therefore, we are finalizing our proposed action.

II. Final Action

We are approving the September 9, 2011, SIP submittal pertaining to implementation, maintenance, and enforcement of the 2008 Pb NAAQS. We are also approving the July 31, 2014, SIP submittal which removes the repealed New Mexico cement kilns rule (NMAC 20.2.12—*Cement Kilns*).

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 Clean Air 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 August 10, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: May 27, 2015.

Ron Curry,

Regional Administrator, Region 6.

Therefore, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart GG—New Mexico

■ 2. In § 52.1620:

■ a. In paragraph (c), the first table titled ''EPA Approved New Mexico Regulations'' is amended by removing the entry ''Part 12, Cement Kilns''; and

■ b. In paragraph (e), the second table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP'' is amended by adding an entry at the end of the table for ''Infrastructure and Transport for the 2008 Pb NAAQS''.

The addition reads as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
* *	* *	*	*	*
Infrastructure and Transport for the 2008 Pb NAAQS.	Statewide (except Bernalillo County)	9/9/2011	June 11, 2015 [*Insert* ***Federal Register*** *citation*].	

[FR Doc. 2015–13954 Filed 6–10–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0358; FRL–9928–90–Region–7]

Approval and Promulgation of Air Quality Implementation Plans; Iowa; Grain Vacuuming Best Management Practices (BMPs) and Rescission Rules

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 State Implementation Plan (SIP) for the State of Iowa to amend Best Management Practices (BMPs) for grain vacuuming operations at Group 1 grain elevators. Additional revisions to the SIP include revised definitions, revised requirements for Department forms, and rescinding rule requirements and references for conditional permits.

DATES: This direct final rule will be effective August 10, 2015, without further notice, unless EPA receives adverse comment by July 13, 2015. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2015–0358, by one of the following methods:

1. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: Hamilton.heather@epa.gov*

3. *Mail or Hand Delivery:* Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2015–0358. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m. to 4:30 p.m. excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7039, or by email at *Hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION:

Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The State of Iowa requested EPA approval of revisions to the SIP to amend Best Management Practices (BMPs) for grain vacuuming operations at Group 1 grain elevators. Additional revisions to the SIP include revised definitions, revised requirements for Department forms, and rescinding rule requirements and references for conditional permits.

These revisions were submitted in two separate requests. The amendment to the BMPs was effective on September 10, 2014, and received by EPA on November 20, 2014. The second request for additional revisions was effective on April 22, 2015, and received by EPA on May 4, 2015. Details with regard both submittals are included in the technical support document which is part of this docket.

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V.

III. What action is EPA taking?

EPA is taking direct final action to approve revisions to State of Iowa State Implementation Plan (SIP). Chapter 22, ''Controlling Pollution,'' is amended to revise the Best Management Practices (BMPs) for Group 1 grain elevators to include grain vacuuming operations. Group 1 grain elevators are country grain elevators, country grain terminal elevators, or grain terminal elevators with the potential to emit less than 15 tons of PM_{10} per year. Existing Group 1 facilities are those that commenced construction or reconstruction before February 6, 2008; new facilities are those that commenced construction after February 6, 2008. Revised BMPs were included with the SIP submission.

Additional revisions made to the Iowa SIP include revising the definition of volatile organic compounds with the most recent Federally-approved date; removing all references to conditional permits throughout the SIP, and rescinding the air quality forms section.

Conditional permits were added to the Iowa Code in the 1970s to facilitate electric utility rate setting. The Iowa Utilities Board changed the rate setting requirements so that conditional permits were not needed. There is no record of issuing a conditional permit to an electric facility; therefore, references to conditional permits are being removed with this action.

References to obsolete and duplicative air quality forms are being removed from the SIP.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. The revised BMPs were developed through a stakeholder workgroup that was jointly organized by IDNR, and grain elevator operators and grain vacuum vendors. One comment was received during the public comment period in support of the revised BMPs. The remaining revisions are largely administrative, and consistent with Federal regulations. However, in the ''Proposed Rules'' section of this **Federal Register,** we are publishing a separate document that will serve as the proposed rule to approve the SIP revisions. If adverse comments are received on this direct final rule we will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

IV. Statutory and Executive Order Reviews

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Iowa Regulations in chapters 20, 22, 31, and 33 described in the direct final amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

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).

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 August 10, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 28, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

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 Q—Iowa

■ 2. In § 52.820(c), the table is amended by revising the entries for ''567–20.2'', ''567–20.3'', ''567–22.1'', ''567–22.2'', ''567–22.3'', ''567–22.10'', ''567–31.20'', and ''567–33.3'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission (567) Chapter 20—Scope of Title-Definitions-Forms-Rule of Practice				
*	* * *		* *	*
567–20.2	Definitions	4/22/15	6/11/15 and [Insert **Federal Register** citation].	
567–20.3	Air Quality Forms Generally	4/22/15	6/11/15 and [Insert **Federal Register** citation].	
*	* * *		* *	*
Chapter 22—Controlling Pollution				
567–22.1	Permits required for New or Existing Stationary Source.	4/22/15	6/11/15 and [Insert **Federal Register** citation].	
567–22.2	Processing Permit Applications	4/22/15	6/11/15 and [Insert **Federal Register** citation].	
567–22.3	Issuing Permits	4/22/15	6/11/15 and [Insert **Federal Register** citation].	
*	* * *		* *	*
567–22.10	Permitting Requirements for Country Grain Elevators, Country Grain Terminal Elevators, Grain Terminal Elevators and Feed Mill Equipment.	9/10/14	6/11/15 and [Insert **Federal Register** citation].	
*	* * *		* *	*
Chapter 31—Nonattainment Areas				
*	* * *		* *	*
567–31.20	Special Requirements for Nonattainment Areas Designated Before May 18, 1998. (Originally Adopted in 567–22.5).	4/22/15	6/11/15 and [Insert **Federal Register** citation].	
Chapter 33—Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality				

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
*	* * * *		* *	*
567–33.3	Special Construction Permit Requirements for Major Stationary Sources in Areas Designated Attainment or Unclassified (PSD).	4/22/14	6/11/15 and [Insert **Federal Register** citation].	
*	* * * *		* *	*

* * * * *

[FR Doc. 2015–14089 Filed 6–10–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0246; FRL–9928–09–Region 9]

Revisions to the California State Implementation Plan, Butte County Air Quality Management District, Feather River Air Quality Management District, and San Luis Obispo County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Butte County Air Quality Management District (BCAQMD), Feather River Air Quality Management District (FRAQMD), and San Luis Obispo County Air Pollution Control District (SLOCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern emission statements, definitions, and vehicle and mobile equipment coating operations (VMECO). 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 August 10, 2015 without further notice, unless the EPA receives adverse comments by July 13, 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–2015–0246, 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 the 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 the EPA, your email address will be automatically captured and included as part of the public comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should 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 the EPA.

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this action with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted/ Amended	Submitted
BCAQMD	101	Definitions	4/24/14	11/06/14
BCAQMD	434	Emissions Statements	4/25/13	2/10/14
FRAQMD	3.19	Vehicle and Mobile Equipment Coating Operations	8/01/11	2/10/14
SLOCAPCD	222	Federal Emission Statement	5/28/14	11/06/14

On May 5, 2014, the EPA determined that the submittal for BCAQMD Rule 434 and FRAQMD Rule 3.19 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review. On December 18, 2014, the EPA determined that BCAQMD Rule 101 and SLOCAPCD Rule 222 met the completeness criteria.

B. Are there other versions of these rules?

There are no previous versions of BCAQMD Rule 434, FRAQMD Rule 3.19, and SLOCAPCD Rule 222 in the SIP. We approved an earlier version of BCAQMD Rule 101 into the SIP on February 3, 1987 (52 FR 3226).

C. What is the purpose of the submitted rules?

Volatile Organic Compounds (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.

BCAQMD Rule 101, ''Definitions'' is amended by adding new definitions and revising existing definitions which improve clarity and enforceability of other BCAQMD rules which reduce emissions.

BCAQMD Rule 434 and SLOCAPCD Rule 222 require ''Emissions Statements.'' CAA section 182(a)(3)(B)(i) directs ozone nonattainment areas to require certified emission data from sources of VOCs and oxides of nitrogen (NO_X).

FRAQMD Rule 3.19, Vehicle and Mobile Equipment Coating Operations, establishes limits on the emission of VOC from VMECO.

The EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants 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 and 57 FR 18070, April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' (''the Bluebook,'' U.S. EPA, May 25, 1988; revised January 11, 1990).

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

4. EPA's draft ''Guidance on the Implementation of an Emission Statement Program,'' July 1992.

5. FRAQMD ''Reasonably Available Control Technology Analysis and Negative Declaration'', July 3, 2014.

6. National Volatile Organic Compound Emission Standards, 40 CFR 59.102, Subpart B, Table 1, VOC Content Limits for Automobile Refinish Coatings.

7. California Air Resources Board (CARB) Resolution 05–46, October 20, 2005, Attachment A, ''Suggested Control Measure for Automotive Coatings,'' Section 4.1 ''Coating Limits.''

8. South Coast Air Quality Management District Rule 1151, Motor Vehicle and Motor Equipment Non-Assembly Line Coating Operations, amended December 2, 2005, and approved into the SIP on September 24, 2013 (78 FR 58459.)

9. San Joaquin Valley Unified Air Pollution Control District Rule 4612, Motor Vehicle and Mobile Equipment Coating Operations, amended October 21, 2010, and approved into the SIP on February 13, 2012 (77 FR 7536.)

10. Ventura County Air Quality Management District, Rule 74.18, Motor Vehicle and Mobile Equipment Coating Operations amended November 11, 2008, and approved into the SIP on September 24, 2013 (78 FR 58459.)

Generally, SIP rules 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)).

The FRAQMD covers both Yuba and Sutter Counties, and the EPA has designated a portion of the FRAQMD (specifically, southern Sutter County) as a Severe nonattainment area for the 1-hour ozone standard and the 1997 and 2008 8-hour ozone national ambient air quality standards (NAAQS or standards). See 40 CFR 81.305. Therefore, FRAQMD must implement RACT for at least portions of the District. The EPA believes that FRAQMD Rule 3.19 does not implement RACT-level requirements. However, on September 29, 2014, CARB submitted to the EPA on behalf of FRAQMD, ''Reasonably Available Control Technology Analysis and Negative Declaration,'' dated July 3, 2014, which demonstrates that Rule 3.19 does not have to implement RACT because no CTGs apply to the source category and there are no major sources in the non-attainment area that the rule addresses. RACT is not required of the other rules addressed in this action because they are not intended to directly control emissions.

As noted above, CAA section 182(a)(3)(B)(i) requires all states with ozone nonattainment areas classified under subpart 2 (of part D of title I), *i.e.,* as Marginal, Moderate, Serious, etc., to submit SIP revisions that require owners and operators of stationary sources of VOCs and NO_X to provide the state with a statement showing the actual emissions from that source. The EPA has designated all or portions of BCAQMD and SLOCAPCD as Marginal nonattainment areas for the 1997 or the 2008 8-hour ozone standards. See 40 CFR 81.305. Thus, BCAQMD Rule 434 and SLOCAPCD Rule 222 are required SIP revisions. Based on our evaluation of these two emissions statement rules, we find that they meet the requirements of CAA section 182(a)(3)(B)(i).

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, rule stringency, 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 but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements.[1] We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in

[1] BCAQMD Rule 434, FRAQMD Rule 3.19, and SLOCAPCD Rule 222 are all new to the SIP and thus would not supersede any existing SIP rules. Upon the effective date of this final action, BCAQMD Rule 101 would supersede existing SIP BCAQMD Rules 101 (''Title'') and 102 (''Definitions''), approved at 52 FR 3226 (February 3, 1987), in the applicable California SIP, except for the following definitions from existing SIP BCAQMD Rule 102: ''approved ignition devices,'' ''open out-door fire,'' ''permissive burn day,'' ''range improvement burning,'' ''submerged fill pipe,'' and ''vapor recovery system.'' While these terms are no longer included in BCAQMD's definitions rule (*i.e.,* Rule 101), they are relied upon by certain existing SIP prohibitory rules, such as existing SIP BCAQMD Rules 213, 215, 302, 313, 317, and 323.

the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by July 13, 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 August 10, 2015. This will incorporate these rules into the federally enforceable SIP.

Please note that if the 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, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the BCAQMD, FRAQMD and SLOCAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the 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 the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 August 10, 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 this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 8, 2015.

Alexis Strauss,

Acting 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 paragraphs (c)(442) (i)(E)(*4*) and (G) and (c)(457)(i)(C) and (D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(442) * * *

(i) * * *

(E) * * *

(*4*) Rule 3.19, ''Vehicle and Mobile Equipment Coating Operations,'' amended on August 1, 2011.

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(G) Butte County Air Quality Management District.

(*1*) Rule 434, ''Emission Statements,'' adopted on April 25, 2013.

* * * * *

(457) * * *

(i) * * *

(C) * * *

(*1*) Rule 101, ''Definitions,'' amended on April 24, 2014.

(D) San Luis Obispo County Air Pollution Control District.

(*1*) Rule 222, ''Federal Emission Statement,'' adopted on May 28, 2014.

* * * * *

[FR Doc. 2015–14079 Filed 6–10–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 153

Standards Related to Reinsurance, Risk Corridors, and Risk Adjustment Under the Affordable Care Act

CFR Correction

■ In Title 45 of the Code of Federal Regulations, Parts 1 to 199, revised as of October 1, 2014, on page 781, in § 153.210, remove paragraphs (a)(2)(i) through (iii).

[FR Doc. 2015–14262 Filed 6–10–15; 8:45 am]

BILLING CODE 1505–01–D

Proposed Rules

Federal Register
Vol. 80, No. 112
Thursday, June 11, 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.

NATIONAL COUNCIL ON DISABILITY

5 CFR Chapter C

RIN 3480–AA00

Freedom of Information Act, Privacy Act, and Government in the Sunshine Act Procedures

AGENCY: National Council on Disability.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The National Council on Disability is proposing regulations to implement the Freedom of Information Act, the Privacy Act of 1974, and the Government in the Sunshine Act. This proposed rulemaking describes the procedures for members of the public to request access to records. In addition, this document also proposes procedures for the Council's responses to these requests, including the timeframe for response and applicable fees. These rules should be read in conjunction with the text of the Freedom of Information Act, the Privacy Act of 1974, the Government in the Sunshine Act, and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget.

DATES: You must submit comments on or before August 10, 2015.

ADDRESSES: You may submit comments, identified by the docket number in the heading of this document, by the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Written comments may be submitted by mail to: National Council on Disability, ATTN: Joan Durocher, 1331 F Street NW., Suite 850, Washington, DC 20004.

To ensure proper handling, please include the docket number on your correspondence. See **SUPPLEMENTARY INFORMATION** for further information about submitting comments.

FOR FURTHER INFORMATION CONTACT: Joan Durocher, General Counsel, National Council on Disability, at 202–272–2004 or *jdurocher@ncd.gov.*

SUPPLEMENTARY INFORMATION: Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Information made available to the public includes personally identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. Additional information about the handling of personally identifiable information submitted for the public record is available in the system of records notice for the federal dockets management system, EPA–GOVT–2, published in the **Federal Register** at 70 FR 15086 (March 24, 2005).

I. Background

The National Council on Disability (Council) was statutorily created in 1978 through amendment to the Rehabilitation Act of 1973 (29 U.S.C. 780 *et seq.*). The statute was amended by the Workforce Innovation and Opportunity Act (Pub. L. 113–128) in 2014. Since 1984, the Council has been an independent agency outside Executive departments that neither regulates nor adjudicates. The Council is charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities.

This rulemaking action would implement the Council's procedures required under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended; the Privacy Act of 1974 (Privacy Act), 5 U.S.C. 552a, as amended; and the Government in the Sunshine Act (Sunshine Act), 5 U.S.C. 552b, as amended. The FOIA requires agencies to implement procedures for public access to records. This proposed rulemaking describes the procedures for members of the public to request access to records. In addition, this document also proposes procedures for the Council's responses to these requests, including the timeframe for response and applicable fees.

The Privacy Act imposes requirements on agencies that maintain systems of records pertaining to individuals. These requirements include procedures for an individual to request access to or amendment of information about him or herself maintained in a system of records. This proposed rulemaking describes the Council's procedures for providing individuals access to their records or to request amendment of those records, including the timeframes for response and any applicable fees.

The Sunshine Act requires public meetings for the deliberations of federal agencies headed by collegial bodies comprised of members. Agencies subject to the Sunshine Act must publish procedures for such public meetings. As an agency headed by a Council comprised entirely of individuals appointed by the President and Congress, the Council is subject to the Sunshine Act and must publish a rulemaking to implement its public meeting procedures, including procedures to close meetings when permitted by the Sunshine Act.

Most of the proposed regulatory provisions contained in this notice of proposed rulemaking are drawn directly from requirements specified in the FOIA, Privacy Act, and Sunshine Act. In addition, the Council modeled its proposed procedures on those already adopted by other federal agencies to incorporate for its own use those practices that represent ''best practices'' for FOIA, Privacy Act, and Sunshine Act administration.

II. Regulatory Analysis and Notices

Executive Order 12866

This proposal is not a ''significant regulatory action'' within the meaning of Executive Order 12866. The economic impact of these regulations should be minimal, therefore, further economic evaluation is not necessary.

Regulatory Flexibility Act, as Amended

The Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 601 *et seq.*), generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a number of small entities. Small entities include small businesses, small organizations, and small government jurisdictions. The

Council considered the effects on this proposed rulemaking on small entities and certifies that these proposed rules will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires each agency to assess the effects of its regulatory actions on state, local, and tribal governments, and the private sector. Agencies must prepare a written statement of economic and regulatory alternatives anytime a proposed or final rule imposes a new or additional enforceable duty on any state, local, or tribal government or the private sector that causes those entities to spend, in aggregate, $100 million or more (adjusted for inflation) in any one year (defined in UMRA as a ''federal mandate''). The Council determined that such a written statement is not required in connection with these proposed rules because they will not impose a federal mandate, as defined in UMRA.

National Environmental Policy Act

The Council analyzed this action for purposes of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.,* and determined that it would not significantly affect the environment; therefore, an environmental impact statement is not required.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. This proposed action does not include an information collection for purposes of the PRA.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the Council determined that it does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

List of Subjects

5 CFR Part 10000

Administrative practice and procedure, Freedom of information, Confidential business information, Privacy.

5 CFR Part 10001

Administrative practice and procedure, Privacy.

5 CFR Part 10002

Administrative practice and procedure, Public availability of information, Meetings.

In consideration of the foregoing, the Council proposes to amend title 5, Code of Federal Regulations, by establishing chapter C, consisting of parts 10000–10049, to read as follows:

CHAPTER C—NATIONAL COUNCIL ON DISABILITY

PART 10000—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Sec.

10000.1 Purpose and scope.
10000.2 Definitions.
10000.3 Availability of records.
10000.4 Categories of exemptions.
10000.5 Requests for records.
10000.6 Responsibility for responding to requests.
10000.7 Administrative appeals.
10000.8 Timeframe for Council's response to a FOIA request or administrative appeal.
10000.9 Business information.
10000.10 Fees.

Authority: 5 U.S.C. 552, as amended; Executive Order 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

§ 10000.1 Purpose and scope.

The regulations in this part implement the provisions of the FOIA.

§ 10000.2 Definitions.

The following definitions apply to this part:

Chairperson means the Chairperson of the Council, as appointed by the President, or any person to whom the Council has delegated authority for the matter concerned.

Chief FOIA Officer means the senior official to whom the Council delegated responsibility for efficient and appropriate compliance with the FOIA, currently delegated to the General Counsel.

Commercial use request means a FOIA request from or on behalf of a requester that seeks information for a use or purpose that furthers their commercial, trade, or profit interests, including pursuit of those interests through litigation.

Confidential business information means trade secrets or confidential or privileged commercial or financial information submitted to the Council by a person that may be protected from disclosure under Exemption 4 of the FOIA.

Council means the National Council on Disability, established by the Rehabilitation Act of 1973 (29 U.S.C. 780 *et seq.*), as amended, and amended by the Workforce Innovation and Opportunity Act (Pub. L. 113–128) in 2014.

Direct costs are those expenses that an agency incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.,* the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space, and of heating or lighting a facility.

Educational institution means a preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, or an institution of vocational education, which operates a program or programs of scholarly research. A requester in this fee category must show that the request is authorized by, and is made under the auspices of, an educational institution and that the records are not sought for a commercial use, but rather are sought to further scholarly research. To fall within this fee category, the request must serve the scholarly research goals of the institution rather than an individual research goal.

(1) *Example 1.* A request from a professor of geology at a university for records relating to soil erosion, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

(2) *Example 2.* A request from the same professor of geology seeking drug information from the Food and Drug Administration in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional stationery.

(3) *Example 3.* A student who makes a request in furtherance of the completion of a course of instruction would be presumed to be carrying out an individual research goal, rather than a scholarly research goal of the institution and would not qualify as part of this fee category.

Fee waiver means the waiver or reduction of fees if a requester can demonstrate meeting the statutory standard that the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not

primarily in the commercial interest of the requester.

FOIA means the Freedom of Information Act, 5 U.S.C. 552, as amended. The FOIA applies to requests for agency records.

FOIA Officer means the individual to whom the Council has delegated authority to carry out the Council's day-to-day FOIA administration, currently delegated to the Council's Attorney Advisor.

FOIA Public Liaison means the individual designated by the Chairperson to assist FOIA requesters with concerns about the Council's processing of their FOIA request, including assistance in resolving disputes, currently delegated to the Council's Attorney Advisor.

Non-commercial scientific institution means an organization operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any product or research, and not operated on a commercial basis.

Person includes an individual, partnership, corporation, association, or public or private organization other than an agency.

Record means any writing, drawing, map, recording, diskette, DVD, CD–ROM, tape, film, photograph, or other documentary material, regardless of medium, by which information is preserved, including documentary material stored electronically.

Redact means delete or mark over.

Representative of the news media is any person or entity organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the Internet. A request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, components shall also consider a requester's past publication record in making this determination.

Requester category means one of the three categories defined by the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Fee Guidelines) in which requesters will be placed for the purpose of determining what if any fees for search, review, or duplication may be assessed. They are:

(1) Commercial requestors;

(2) Non-commercial scientific or educational institutions or representatives of the news media; and

(3) All other requestors.

Submitter means any person or entity from whom the Council obtains confidential or privileged business information, directly or indirectly.

Unusual circumstances exist when:

(1) The need to search for and collect the requested records from physically separate facilities;

(2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request.

§ 10000.3 Availability of records.

Records that are required by the FOIA to be made available for public inspection and copying may be accessed through the Agency's Web site at *www.ncd.gov.* The Council is responsible for determining which of its records are required to be made publicly available, as well as identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. The Council shall ensure that its Web site of posted records and indices is reviewed and updated on an ongoing basis. The Council's FOIA Public Liaison can assist individuals in locating records particular to a component.

§ 10000.4 Categories of exemptions.

(a) The FOIA does not require disclosure of matters that are:

(1) Specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified under executive order;

(2) Related solely to the internal personnel rules and practices of the Council;

(3) Specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b, as amended), provided that such statute:

(i)(A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

(ii) If enacted after October 28, 2009, specifically cites to Exemption 3 of the FOIA, 5 U.S.C. 552(b)(3);

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memoranda or letters, which would not be available at law to a party other than an agency in litigation with the Council;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 10000.5 Request for records.

(a) You may request copies of records under this part by email to *FOIA@ncd.gov* or in writing addressed to FOIA Officer, National Council on Disability, 1331 F Street NW., Suite 850, Washington, DC 20004.

(b) Your request shall reasonably describe the records sought with sufficient specificity, and when possible, include names, dates, and subject matter, in order to permit the FOIA Officer to locate the records with a reasonable amount of effort. If the FOIA Officer cannot locate responsive records based on your written description, you will be notified and advised that further identifying information is necessary before the request can be fulfilled. Although requests are considered either FOIA or Privacy Act requests, the Council processes requests for records in accordance with both laws so as to provide the greatest degree of lawful access while safeguarding an individual's personal privacy.

(c) Your request should specify your preferred form or format (including electronic formats) for the records you seek. We will accommodate your request if the record is readily available in that form or format. When you do not specify the form or format of the response, we will provide responsive records in the form or format most convenient to us.

§ 10000.6 Responsibility for responding to requests.

(a) *In general.* The Council delegates authority to grant or deny FOIA requests in whole or in part to the Chief FOIA Officer. When conducting a search for responsive records, the FOIA Officer generally will search for records in existence on the date of the search. If another date is used, the FOIA Officer shall inform the requester of the date used.

(b) *Responses.* The Chief FOIA Officer will notify you of his or her determination to grant or deny your FOIA request in the time frame stated in § 10000.8. The Council will release reasonably segregable non-exempt information. For any adverse determination, including those regarding any disputed fee matter; a denial of a request for a fee waiver; or a determination to withhold a record, in whole or in part, that a record does not exist or cannot be located; or to deny a request for expedited processing; the notice shall include the following information:

(1) The name(s) of any person responsible for the determination to deny the request in whole or in part;

(2) A brief statement of the reason(s) for the denial, including any FOIA exemption applied in denying the request. The FOIA Officer will indicate, if technically feasible, the amount of information deleted and the exemption under which a deletion is made on the released portion of the record, unless including that indication would harm an interest protected by the exemption;

(3) An estimate of the volume of information withheld, if applicable. This estimate does not need to be provided if it is ascertainable based on redactions in partially disclosed records or if the disclosure of the estimate would harm an interest protected by an applicable FOIA exemption; and

(4) A statement that the adverse determination may be appealed and a description of the requirements for an appeal under § 10000.7.

(c) *Consultation, referral, and coordination.* When reviewing records located by the Council in response to a request, the Council shall determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA and, if so, whether it should be released as a matter of discretion. As to any such record, the Council shall proceed in one of the following ways:

(1) *Consultation.* When records originated with the Council, but contain within them information of interest to another agency, the Council should typically consult with that other agency prior to making a release determination.

(2) *Referral.* (i) When the Council believes that a different agency is best able to determine whether to disclose the record, the Council typically should refer the responsibility for responding to the request regarding that record, as long as the referral is to an agency that is subject to the FOIA. Ordinarily, the agency that originated the record will be presumed to be best able to make the disclosure determination. However, if the Council and the originating agency jointly agree that the former is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever the Council refers any part of the responsibility for responding to a request to another agency, it shall document the referral, maintain a copy of the record that it refers, and notify the requester of the referral and inform the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. For example, if the Council responding to a request for records on a living third party locates within its files records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if the Council locates within its files material originating with an Intelligence Community agency, and the involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. In such instances, in order to avoid harm to an interest protected by an applicable exemption, the Council should coordinate with the originating agency to seek its views on the disclosability of the record. The release determination for the record that is the subject of the coordination should then be conveyed to the requester by the Council.

§ 10000.7 Administrative appeals.

(a) You may appeal an adverse determination related to your FOIA request, or the Council's failure to respond to your FOIA request within the prescribed time limits, to the Executive Director, National Council on Disability, 1331 F Street NW., Suite 850, Washington, DC 20004.

(b) Your appeal must be in writing and must be postmarked or electronically received by the Executive Director within 60 days of the date of the letter denying your request, in whole or in part. For the most expeditious handling, your appeal letter and envelope should be marked ''Freedom of Information Act Appeal'' and reference the request number.

(c) The Executive Director shall respond to all administrative appeals in writing and within the time frame stated in § 10000.8(d). If the decision affirms, in whole or in part, the Chief FOIA Officer's determination, the letter shall contain a statement of the reasons for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA's provisions for court review. If the Executive Director reverses or modifies the Chief FOIA Officer's determination, in whole or in part, you will be notified in writing and your request will be reprocessed in accordance with that decision. The

Council may work with Office of Government Information Services (OGIS) to resolve disputes between FOIA requestors and the Council. A requester may also contact OGIS in the following ways: Via mail to OGIS, National Archives and Records Administration, 8601 Adelphi Road—OGIS, College Park, MD 20740 (*ogis.archives.gov*), via email at *ogis@nara.gov,* or via the telephone at 202–741–5770 or 877–684–6448. Facsimile is also available at 202–741–5769.

§ 10000.8 Timeframe for Council's response to a FOIA request or administrative appeal.

(a) *In general.* The Council ordinarily shall respond to requests according to their order of receipt.

(b) *Multi-track processing.* (1) The Council may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request, including through limits based on the number of pages involved. If the Council does so, it shall advise requesters in its slower track(s) of the limits of its faster track(s).

(2) Using multitrack processing, the Council may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of the Council's faster track(s). In doing so, the Council will contact the requester by telephone, letter, or email, whichever is more efficient in each case.

(c) *Initial decisions.* The Council shall determine whether to comply with a FOIA request within 20 working days after our receipt of the request, unless the time frame for response is extended due to unusual circumstances as further described in paragraph (f) of this section. A request is received by the Council, for purposes of commencing the 20-day timeframe for its response, on the day it is properly received by the FOIA Officer. The request must meet all requirements described by these regulations and the FOIA before the 20-day timeframe commences.

(d) *Administrative appeals.* The Executive Director shall determine whether to affirm or overturn a decision subject to administrative appeal within 20 working days after receipt of the appeal, unless the time frame for response is extended in accordance with paragraph (e) of this section.

(e) *Tolling timelines.* We may toll the 20-day timeframe set forth in paragraphs (c) or (d) of this section:

(1) One time to await information that we reasonably requested from you, as permitted by 5 U.S.C. 552(a)(6)(A)(iii)(I);

(2) As necessary to clarify with you any fee-related issue.

(3) If we toll the time frame for response under paragraphs (e)(1) or (2) of this section, the tolling period ends upon our receipt of your response.

(f) *Unusual circumstances.* In the event of unusual circumstances, we may extend the time frame for response provided in paragraphs (c) or (d) of this section by providing you with written notice of the unusual circumstances and the date on which a determination is expected to be made. Where the extension is for more than ten working days, we will provide you with an opportunity either to modify your request so that it may be processed within the statutorily-prescribed time limits or to arrange an alternative time period for processing your request or modified request.

(g) *Aggregating requests.* When we reasonably believe that multiple requests submitted by a requester, or by a group of requesters acting in concert, involving clearly related matters, can be viewed as a single request that involves unusual circumstances, we may aggregate the requests for the purposes of fees and processing activities.

(h) *Expedited processing.* You may request that the Council expedite processing of your FOIA request. To receive expedited processing, you must demonstrate a compelling need for such processing.

(1) For requests for expedited processing, a ''compelling need'' involves:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) A request made by a person primarily engaged in disseminating information, with a time urgency to inform the public of actual or alleged federal government activity.

(2) Your request for expedited processing must be in writing and may be made at the time of the initial FOIA request or at any later time.

(3) Your request for expedited processing must include a statement, certified to be true and correct to the best of your knowledge and belief, explaining in detail the basis for requesting expedited processing. If you are a person primarily engaged in disseminating information, you must establish a particular urgency to inform the public about the federal government activity involved in the request.

(4) The FOIA Officer will decide whether to grant or deny your request for expedited processing and notify the requester within ten calendar days of receipt. You will be notified in writing of the determination. Appeals of adverse decisions regarding expedited processing shall be processed expeditiously.

§ 10000.9 Business information.

(a) *Designation of confidential business information.* In the event a FOIA request is made for confidential business information previously submitted to the Government by a commercial entity or on behalf of it (hereinafter ''submitter''), the regulations in this section apply. When submitting confidential business information, you must use a good-faith effort to designate, by use of appropriate markings, at the time of submission or at a reasonable time thereafter, any portions of your submission that you consider to be exempt from disclosure under FOIA Exemption 4, 5 U.S.C. 552(b)(4). Your designation will expire ten years after the date of submission unless you request, and provide justification for, a longer designation period.

(b) *Notice to submitters.* (1) Whenever you designate confidential business information as provided in paragraph (a) of this section, or the Council has reason to believe that your submission may contain confidential business information, we will provide you with prompt written notice of a FOIA request that seeks your business information. The notice shall:

(i) Give you an opportunity to object to disclosure of your information, in whole or in part;

(ii) Describe the business information requested or include copies of the requested records or record portions containing the information; and

(iii) Inform you of the time frame in which you must respond to the notice.

(2) In cases involving a voluminous number of submitters, notice may be made by posting or publishing the notice in a place or manner reasonably likely to accomplish it.

(c) *Opportunity to object to disclosure.* The Council shall allow you a reasonable time to respond to the notice described in paragraph (b) of this section. If you object to the disclosure of your information, in whole or in part, you must provide us with a detailed written statement of your objection. The statement must specify all grounds for withholding any portion of the information under any FOIA exemption and, when relying on FOIA Exemption 4, it must explain why the information is a trade secret or commercial or financial information that is privileged and confidential. If you fail to respond within the time frame specified in the

notice, the Council will conclude that you have no objection to disclosure of your information. The Council will only consider information that we receive within the time frame specified in the notice.

(d) *Notice of intent to disclose.* The Council will consider your objection and specific grounds for non-disclosure in deciding whether to disclose business information. Whenever the Council decides to disclose business information over your objection, we will provide you with written notice that includes:

(1) A statement of the reasons why each of your bases for withholding were not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time after the notice.

(e) *Exceptions to the notice requirement.* The notice requirements of paragraphs (c) and (d) of this section shall not apply if:

(1) The Council determines that the information is exempt under the FOIA;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600;

(4) The designation made by the submitter under paragraph (a) of this section appears obviously frivolous, except that, in such a case, the Council shall, within a reasonable time prior to the date the disclosure will be made, give the submitter written notice of the final decision to disclose the information.

(f) *Requester notification.* The Council shall notify a requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

§ 10000.10 Fees.

(a) We will charge fees that recoup the full allowable direct costs we incur in processing your FOIA request. Fees may be charged for search, review or duplication. We will use the most efficient and least costly methods to comply with your request.

(b) With regard to manual searches for records, we will charge the salary rate(s) (calculated as the basic rate of pay plus 16 percent of that basic rate to cover benefits) of the employee(s) performing the search.

(c) In calculating charges for computer searches for records, we will charge at the actual direct cost of providing the service, including the cost of operating the central processing unit directly attributable to searching for records potentially responsive to your FOIA request and the portion of the salary of the operators/programmers performing the search.

(d) Review fees shall be charged for requesters who make commercial use requests. Review fees shall be assessed only for the initial review—that is the review undertaken the first time we analyze the applicability of a specific exemption to a particular record or portion of a record. Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. We may assess the costs for such subsequent review. Review fees are charged at the same rates as those charged for a search.

(e) *Notice of anticipated fees in excess of $25.00.* (1) When the Council determines or estimates that the fees to be assessed in accordance with this section will exceed $25.00, the Council shall notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the Council shall advise the requester accordingly. If the requester is a noncommercial use requester, the notice shall specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, two hours of search time at no charge, and shall advise the requester whether those entitlements have been provided.

(2) In cases in which a requester has been notified that the actual or estimated fees are in excess of $25.00, the request shall not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay, or in the case of a noncommercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment or designation in writing, and must, when applicable, designate an exact dollar amount the requester is willing to pay. The Council is not required to accept payments in installments.

(3) If the requester has indicated a willingness to pay some designated amount of fees, but the Council estimates that the total fee will exceed that amount, the Council shall toll the processing of the request when it notifies the requester of the estimated fees in excess of the amount the requester has indicated a willingness to pay. The Council shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(4) The Council shall make available its FOIA Public Liaison or other FOIA professional to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(f) We will charge you the full costs of providing you with the following services:

(1) Certifying that records are true copies; or

(2) Sending records by special methods such as express or certified mail.

(g) We may assess interest charges on an unpaid bill starting on the 31st calendar day following the day on which the billing was sent. Interest shall be at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of the billing.

(h) We will not charge a search fee for requests by educational institutions, non-commercial scientific institutions, or representatives of the news media. A search fee will be charged for a commercial use requests.

(i) Except for a commercial use request, we will not charge you for the first 100 pages of duplication and the first two hours of search.

(j) If the Council fails to comply with the time limits in which to respond to a request, and if no unusual or exceptional circumstances, as those terms are defined by the FOIA, apply to the processing of the request, it may not charge search fees, or, in the instances of requests from requesters requests by educational institutions (unless the records are sought for a commercial use), noncommercial scientific institutions, or representatives of the news media, may not charge duplication fees.

(k) After processing, actual fees must be equal to or exceed $25, for the Council to require payment of fees.

(l) You may not file multiple requests, each seeking portions of a document or documents, solely for the purpose of

avoiding payment of fees. When the Council reasonably believes that a requester, or a group of requesters acting in concert, has submitted requests that constitute a single request involving clearly related matters, we may aggregate those requests and charge accordingly.

(m) We may not require you to make payment before we begin work to satisfy the request or to continue work on a request, unless:

(1) We estimate or determine that the allowable charges that you may be required to pay are likely to exceed $250; or

(2) You have previously failed to pay a fee charged within 30 days of the date of billing.

(n) Upon written request, we may waive or reduce fees that are otherwise chargeable under this part. If you request a waiver or reduction in fees, you must demonstrate that a waiver or reduction in fees is in the public interest because disclosure of the requested records is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in your commercial interest.

(1) In deciding whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government, the Council shall consider all four of the following factors:

(i) The subject of the request must concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent. However, components shall not make value judgments about whether the information at issue is ''important'' enough to be made public.

(2) To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, the Council shall consider the following factors:

(i) The Council shall identify any commercial interest of the requester, as defined in § 10000.2, that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

(ii) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure. The Council ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(3) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(4) Requests for a waiver or reduction of fees should be made when the request is first submitted to the component and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

PART 10001—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Sec.

10001.1 Purpose and scope.
10001.2 Definitions.
10001.3 Privacy Act requests.
10001.4 Responses to Privacy Act requests.
10001.5 Administrative appeals.
10001.6 Fees.
10001.7 Penalties.

Authority: 5 U.S.C. 552a.

§ 10001.1 Purpose and scope.

The regulations in this part implement the provisions of the Privacy Act.

§ 10001.2 Definitions.

The following terms used in this part are defined in the Privacy Act: *Individual, maintain, record, system of records, statistical record,* and *routine use.* The following definitions also apply in this part:

Chairperson means the Chairperson of the Council, as appointed by the President, or any person to whom the Council has delegated authority for the matter concerned.

Council means the National Council on Disability, established by the Rehabilitation Act of 1973 (29 U.S.C. 780 *et seq.*), as amended, and amended by the Workforce Innovation and Opportunity Act (Pub. L. 113–128) in 2014.

General Counsel means the Council's principal legal advisor, or his or her designee.

Privacy Act means the Privacy Act of 1974, 5 U.S.C. 552a, as amended.

Privacy Act Officer means the person designated by the Council to be responsible for the day-to-day administration of the Privacy Act, currently delegated to the Council's Management Analyst.

§ 10001.3 Privacy Act requests.

(a) *Requests to determine if you are the subject of a record.* You may request that the Council inform you if we maintain a system of records that contains records about you. Your request must follow the procedures described in paragraph (b) of this section.

(b) *Requests for access.* You may request access to a Council record about you in writing or by appearing in person. You should direct your request to the Privacy Act Officer. Written requests may be sent to: Privacy Act Officer, National Council on Disability, 1331 F Street NW., Suite 850, Washington, DC 20004. Your request should include the following information:

(1) Your name, address, and telephone number;

(2) The system(s) of records in which the requested information is contained; and

(3) At your option, authorization for copying expenses.

(4) *Written requests.* In addition to the information described in paragraphs (b)(1) through (3) of this section, written requests must include a statement affirming your identity, signed by you and witnessed by two persons (including witnesses' addresses) or notarized.

(i) *Witnessed.* If your statement is witnessed, it must include a sentence above the witnesses' signatures attesting

that they personally know you or that you have provided satisfactory proof of your identity.

(ii) *Notarized.* If your statement is notarized, you must provide the notary with adequate proof of your identity in the form of a drivers' license, passport, or other identification acceptable to the notary.

(iii) The Council, in its discretion, may require additional proof of identification depending on the nature and sensitivity of the records in the system of records.

(iv) For the quickest possible handling, your letter and envelope should be marked ''Privacy Act Request.''

(5) *In person requests.* In addition to the information described in paragraphs (b)(1) through (3) of this section, if you make your request in person, you must provide adequate proof of identification at the time of your request. Adequate proof of identification includes a valid drivers' license, valid passport, or other current identification that includes your address and photograph.

(c) *Requests for amendment or correction of records.* You may request an amendment to or correction of a record about you in person or by writing to the Privacy Act Officer following the procedures described in paragraph (b) of this section. Your request for amendment or correction should identify each particular record at issue, state the amendment or correction sought, and describe why the record is not accurate, relevant, timely, or complete.

(d) *Requests for an accounting of disclosures.* Except for those disclosures for which the Privacy Act does not require an accounting, you may request an accounting of any disclosure by the Council of a record about you. Your request for an accounting of disclosures must be made in writing following the procedures described in paragraph (b) of this section.

(e) *Requests for access on behalf of someone else.* (1) If you are making a request on behalf of someone else, your request must include a statement from that individual verifying his or her identity, as provided in paragraph (b)(4) of this section. Your request also must include a statement certifying that individual's agreement that records about him or her may be released to you.

(2) If you are the parent or guardian of the individual to whom the requested record pertains, or the individual to whom the record pertains has been deemed incompetent by a court, your request for access to records about that individual must include:

(i) The identity of the individual who is the subject of the record, including his or her name, current address, and date and place of birth;

(ii) Verification of your identity in accordance with paragraph (b)(4) of this section;

(iii) Verification that you are the subject's parent or guardian, which may be established by a copy of the subject's birth certificate identifying you as his or her parent, or a court order establishing you as guardian; and

(iv) A statement certifying that you are making the request on the subject's behalf.

§ 10001.4 Responses to Privacy Act requests.

(a) *Acknowledgement.* The Privacy Act Officer shall provide you with a written acknowledgment of your written request under section 3 within ten business days of our receipt of your request.

(b) *Grants of requests.* If you make your request in person, the Privacy Act Officer shall respond to your request directly, either by granting you access to the requested records, upon payment of any applicable fee and with a written record of the grant of your request and receipt of the records, or by informing you when a response may be expected. If you are accompanied by another person, you must authorize in writing any discussion of the records in the presence of the third person. If your request is in writing, the Privacy Act Officer shall provide you with written notice of the Council's decision to grant your request and the amount of any applicable fee. The Privacy Act Officer shall disclose the records to you promptly, upon payment of any applicable fee.

(c) *Denials of requests in whole or in part.* The Privacy Act Officer shall notify you in writing of his or her determination to deny, in whole or in part, your request. This writing shall include the following information:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason for the denial(s), including any applicable Privacy Act exemption;

(3) A statement that you may appeal the denial and a brief description of the requirements for appeal under § 10001.5.

(d) *Request for records not covered by the Privacy Act or subject to Privacy Act exemption.* If the Privacy Act Officer determines that a requested record is not subject to the Privacy Act or the records are subject to Privacy Act exemption, your request will be processed in accordance with the Council's Freedom of Information Act procedures at 5 CFR part 10000.

§ 10001.5 Administrative appeals.

(a) *Appeal procedures.* (1) You may appeal any decision by the Council to deny, in whole or in part, your request under § 10001.3 no later than 60 days after the decision is rendered.

(2) Your appeal must be in writing, sent to the General Counsel at the address specified in § 10001.3(b) and contain the following information:

(i) Your name;

(ii) Description of the record(s) at issue;

(iii) The system of records in which the record(s) is contained;

(iv) A statement of why your request should be granted.

(3) The General Counsel shall determine whether to uphold or reverse the initial determination within 30 working days of our receipt of your appeal. The General Counsel shall notify you of his or her decision, including a brief statement of the reasons for the decision, in writing. The General Counsel's decision will be the final action of the Council.

(b) *Statement of disagreement.* If your appeal of our determination related to your request for amendment or correction is denied in whole or in part, you may file a Statement of Disagreement that states the basis for your disagreement with the denial. Statements of Disagreement must be concise and must clearly identify each part of any record that is disputed. The Privacy Act Officer will place your Statement of Disagreement in the system of records in which the disputed record is maintained and shall mark the disputed record to indicate that a Statement of Disagreement has been filed and where it may be found.

(c) *Notification of amendment, correction, or disagreement.* Within 30 working days of the amendment or correction of a record, the Privacy Act Officer shall notify all persons, organizations, or agencies to which the Council previously disclosed the record, if an accounting of that disclosure was made, that the record has been corrected or amended. If you filed a Statement of Disagreement, the Privacy Act Officer shall append a copy of it to the disputed record whenever it is disclosed and also may append a concise statement of its reason(s) for denying the request to amend or correct the record.

§ 10001.6 Fees.

We will not charge a fee for search or review of records requested under this part, or for the correction of records. If

you request copies of records, we may charge a fee of $.10 per page.

§ 10001.7 Penalties.

Any person who makes a false statement in connection with any request for a record or an amendment or correction thereto under this part is subject to the penalties prescribed in 18 U.S.C. 494 and 495 and 5 U.S.C. 552a(i)(3).

PART 10002—IMPLEMENTATION OF THE GOVERNMENT IN THE SUNSHINE ACT

Sec.

10002.1 Purpose and scope.
10002.2 Definitions.
10002.3 Open meetings.
10002.4 Procedures for public announcement of meetings.
10002.5 Grounds on which meetings may be closed or information withheld.
10002.6 Procedures for closing meetings or withholding information, and requests by affected persons to close a meeting.
10002.7 Changes following public announcement.
10002.8 Transcripts, recordings, or minutes of closed meetings.
10002.9 Public availability and retention of transcripts, recordings, and minutes, and applicable fees.

Authority: 5 U.S.C. 552b.

§ 10002.1 Purpose and scope.

(a) The regulations in this part implement the provisions of the Sunshine Act.

(b) Requests for all records other than those described in § 10002.9, shall be governed by the Council's Freedom of Information Act procedures at 5 CFR part 10001.

§ 10002.2 Definitions.

The following definitions apply in this part:

Chairperson means the Chairperson of the Council, as appointed by the President, or any person to whom the Council has delegated authority for the matter concerned.

Council means the National Council on Disability, established by the Rehabilitation Act of 1973 (29 U.S.C. 780 *et seq.*), as amended, and amended by the Workforce Innovation and Opportunity Act (Pub. L. 113–128) in 2014.

General Counsel means the Council's principal legal advisor, or his or her designee.

Meeting means the deliberations of five or more Council members that determine or result in the joint conduct or disposition of official Council business. A meeting does not include:

(1) Notational voting or similar consideration of business for the purpose of recording votes, whether by circulation of material to members' individually in writing or by a polling of the members individually by phone or email.

(2) Action by five or more members to:

(i) Open or close a meeting or to release or withhold information pursuant to § 10002.6;

(ii) Set an agenda for a proposed meeting;

(iii) Call a meeting on less than seven days' notice, as permitted by § 10002.4; or

(iv) Change the subject matter or the determination to open or to close a publicly announced meeting under § 10002.7.

(3) A session attended by five or more members for the purpose of having the Council's staff or expert consultants, another federal agency, or other persons or organizations brief or otherwise provide information to the Council concerning any matters within the purview of the Council, provided that the members do not engage in deliberations that determine or result in the joint conduct or disposition of official business on such matters.

(4) A gathering of members for the purpose of holding informal, preliminary discussions or exchanges of views which do not effectively predetermine official action. *Member* means an individual duly appointed and confirmed to the Council. *Public observation* means attendance by the public at a meeting of the Council, but does not include public participation.

Public participation means the presentation or discussion of information, raising of questions, or other manner of involvement in a meeting of the Council by the public in a manner that contributes to the disposition of official Council business.

Sunshine Act means the Government in the Sunshine Act, 5 U.S.C. 552b.

§ 10002.3 Open meetings.

(a) Except as otherwise provided in this part, every portion of a Council meeting shall be open to public observation.

(b) Council meetings, or portions thereof, shall be open to public participation when an announcement to that effect is published under § 10002.4. Public participation shall be conducted in an orderly, non-disruptive manner and in accordance with any procedures the Chairperson may establish. Public participation may be terminated for good cause as determined by the Council upon the advice of the General Counsel based on unanticipated developments.

§ 10002.4 Procedures for public announcement of meetings.

(a) Except as otherwise provided in this section, the Council shall make a public announcement at least seven days prior to a meeting. The public announcement shall include:

(1) The time and place of the meeting;

(2) The subject matter of the meeting;

(3) Whether the meeting is to be open, closed, or portions of a meeting will be closed;

(4) Whether public participation will be allowed;

(5) The name and telephone number of the person who will respond to requests for information about the meeting;

(b) The seven-day prior notice required by paragraph (a) of this section may be reduced only if:

(1) A majority of all members determine by recorded vote that Council business requires that such meeting be scheduled in less than seven days; and

(2) The public announcement required by this section is made at the earliest practicable time.

(c) If public notice is provided by means other than publication in the **Federal Register**, notice will be promptly submitted to the **Federal Register** for publication.

§ 10002.5 Grounds on which meetings may be closed or information withheld.

A meeting, or portion thereof, may be closed and information pertinent to such meeting withheld if the Council determines that the meeting or release of information is likely to disclose matters that are:

(a) Specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy; and, in fact, are properly classified pursuant to such executive order. In making the determination that this exemption applies, the Council shall rely on the classification assigned to the document or assigned to the information from the federal agency from which the document was received.

(b) Related solely to the internal personnel rules and practices of the Council;

(c) Specifically exempt from disclosure by statute (other than 5 U.S.C. 552), provided that such statute:

(1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involved with accusing any person of a crime or formally censuring any person;

(f) Of a personal nature, if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Either investigatory records compiled for law enforcement purposes or information which, if written, would be contained in such records, but only to the extent that the production of records or information would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to either a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source or sources and, in the case of a record compiled either by a criminal law enforcement authority or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source(s);

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel;

(h) Contained in or relating to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) If prematurely disclosed, likely to significantly frustrate implementation of a proposed action of the Council, except that this subsection shall not apply in any instance where the Council has already disclosed to the public the content or nature of its proposed action or is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; and

(j) Specifically concerned with the Council's issuance of a subpoena, or its participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Council of a particular case or formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 10002.6 Procedures for closing meetings or withholding information, and requests by affected persons to close a meeting.

(a) A meeting or portion of a meeting may be closed and information pertaining to a meeting withheld under § 10002.5 only by vote of a majority of members.

(b) A separate vote of the members shall be taken with respect to each meeting or portion of a meeting proposed to be closed and with respect to information which is proposed to be withheld. A single vote may be taken with respect to a series of meetings or portions of a meeting that are proposed to be closed, so long as each meeting or portion thereof in the series involves the same particular matter and is scheduled to be held no more than 30 days after the initial meeting in the series. The vote of each member shall be recorded and no proxies shall be allowed.

(c) A person whose interests may be directly affected by a portion of a meeting may request in writing that the Council close that portion for any of the reasons referred to in § 10002.5(e), (f), and (g). Upon the request of a member, a recorded vote shall be taken whether to close such meeting or portion thereof.

(d) For every meeting closed, the General Counsel shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant basis for closing the meeting. If the General Counsel invokes the bases set forth in § 10002.5(a) or (c), he or she shall rely upon the classification or designation assigned to the information by the originating agency. A copy of such certification, together with a statement by the presiding officer setting forth the time and place of the meeting and the persons present, shall be retained by the Council as part of the transcript, recording, or minutes required by § 10002.8.

§ 10002.7 Changes following public announcement.

(a) The time or place of a meeting may be changed following the public announcement described in § 10002.4. The Council must publicly announce such change at the earliest practicable time.

(b) The subject matter of a meeting or the determination of the Council to open or close a meeting, or a portion thereof, to the public may be changed following public announcement only if:

(1) A majority of all members determine by recorded vote that Council business so requires and that no earlier announcement of the change was possible; and

(2) The Council publicly announces such change and the vote of each member thereon at the earliest practicable time.

§ 10002.8 Transcripts, recordings, or minutes of closed meetings.

Along with the General Counsel's certification and presiding officer's statement referred to in § 10002.6(d), the Council shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or a portion thereof, closed to the public. Alternatively, for any meeting closed pursuant to § 10002.5(h) or (j), the Council may maintain a set of minutes adequate to record fully the proceedings, including a description of each of the views expressed on any item and the record of any roll call vote.

§ 10002.9 Public availability and retention of transcripts, recordings, and minutes, and applicable fees.

(a) The Council shall make available, in a place easily accessible, such as *www.ncd.gov,* to the public the transcript, electronic recording, or minutes of a meeting, except for items of discussion or testimony related to matters the Council determines may be withheld under § 10002.6.

(b) Copies of the nonexempt portions of the transcripts or minutes shall be provided upon receipt of the actual costs of the transcription or duplication.

(c) The Council shall maintain meeting transcripts, recordings, or minutes of each meeting closed to the public for a period ending at the later of two years following the date of the meeting, or one year after the conclusion of any Council proceeding with respect to the closed meeting.

PARTS 10003–10049 [RESERVED]

Dated: June 4, 2015.

Rebecca Cokley,

Executive Director.

[FR Doc. 2015–14121 Filed 6–10–15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2047; Directorate Identifier 2015–CE–013–AD]

RIN 2120–AA64

Airworthiness Directives; SOCATA Airplanes

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

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: We are revising an NPRM for SOCATA Model TBM 700 airplaness

(type certificate previously held by EADS SOCATA) that was proposed to revise AD 2007–04–13. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks found on the main landing gear cylinders. This action revises the NPRM by including the actions against those airplanes that reach a certain number of landings after the effective date of the AD. We are proposing this supplemental NPRM (SNPRM) to correct the unsafe condition on these products. Since this action imposes an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on this proposed change.

DATES: We must receive comments on this proposed AD by July 27, 2015.

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

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

For service information identified in this proposed AD, contact SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54; or SOCATA North America, North Perry Airport, 7501 S Airport Rd., Pembroke Pines, Florida 33023, telephone: (954) 893–1400; fax: (954) 964–4141; Internet: *http://www.socata.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2047.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2047; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–2047; Directorate Identifier 2015–CE–013–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

The docket number and the directorate identifier of the NPRM (80 FR 8821, February 19, 2015) is Docket No. FAA–2006–26235; Directorate Identifier 2006–CE–065–AD. The NPRM docket number is different than the docket number of this SNPRM. The comment period for the NPRM closed on April 6, 2015; we received one comment in support of the NPRM.

Discussion

We proposed to amend 14 CFR part 39 with an NPRM for SOCATA Model TBM 700 airplanes (type certificate previously held by EADS SOCATA), which was published in the **Federal Register** on February 19, 2015 (80 FR 8821). The NPRM proposed to require actions intended to address the unsafe condition for the products listed above and was based on mandatory continuing airworthiness information (MCAI) originated by another country.

Since the NPRM was issued, we have determined that airplanes with MLG with forging body that had not reached 1,750 landings as of March 23, 2007 (the effective date of AD 2007–04–13) were not affected by the AD. This is not the intent and allows airplanes to fly indefinitely with the unsafe condition. This supplemental NPRM (SNPRM) proposes to make those airplanes with MLG with forging body either at or under 1,750 landings as of March 23, 2007, applicable to the AD in addition to extending the time between the repetitive inspections until a reinforced landing gear is installed, which terminates the repetitive inspections.

Related Service Information Under 1 CFR Part 51

EADS SOCATA has issued TBM Aircraft Mandatory Service Bulletin SB 70–130, ATA No. 32, dated January 2006, and SOCATA has issued DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. The DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, incorporates procedures for replacing cracked MLG with a reinforced MLG as a terminating action for the repetitive inspections. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

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

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on the SNPRM.

Costs of Compliance

We estimate that this proposed AD will affect 431 products of U.S. registry.

We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $109,905, or $255 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing $6,000, for a cost of $6,340 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–14945 (72 FR 7576, February 16, 2007), and adding the following new AD:

SOCATA (type certificate previously held by EADS SOCATA): Docket No. FAA–2015–2047; Directorate Identifier 2015–CE–013–AD.

(a) Comments Due Date

We must receive comments by July 27, 2015.

(b) Affected ADs

This AD supersedes AD 2007–04–13, Amendment 39–14945, (72 FR 7576, February 16, 2007) (''AD 2007–04–13'').

(c) Applicability

This AD applies to SOCATA Model TBM 700 airplanes, serial numbers 1 through 638 and 687, that:

(1) are not equipped with a left-hand main landing gear (MLG) body part number (P/N) D68161 or D68161–1 and a right-hand MLG body P/N D68162 or D68162–1; and

(2) are certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing gear.

(e) Reason

This AD was prompted from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product and the FAA's determination to add additional airplanes to the Applicability section. We are issuing this AD to detect and correct cracks in the shock strut cylinder of the MLG, which could cause the MLG to fail, and to add airplanes to the Applicability section. Failure of the shock strut cylinder of the MLG could result in a collapsed MLG during takeoff or landing and possible reduced structural integrity of the airplane. We are superseding AD 2007–04–13 to add airplanes to the Applicability section, increase the time between the repetitive inspections, and incorporate a modification to terminate the required repetitive inspections.

(f) Actions and Compliance for Airplanes not Previously Affected by AD 2007–04–13

Unless already done, do the actions in paragraphs (f)(1), (f)(2), and (h) of this AD:

(1) As of March 23, 2007 (the effective date of AD 2007–04–13), for MLG with forging body that were either at or under 1,750 landings as of March 23, 2007 (the effective date of (AD 2007–04–13): Upon or before accumulating 1,750 landings on the MLG with forging body since new or within the next 100 landings after the effective date of this AD, whichever occurs later, inspect the forging body for cracks. Do the inspection following the Accomplishment Instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006, or DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(2) If no cracks are detected during the inspection required in paragraph (f)(1) of this AD, repetitively thereafter inspect at intervals not to exceed 240 landings until a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, is installed.

(g) Actions and Compliance for Airplanes Previously Affected by AD 2007–04–13

Unless already done, do the actions in paragraphs (g)(1), (g)(2), and (h) of this AD, including all subparagraphs:

(1) As of March 23, 2007 (the effective date retained from AD 2007–04–13), for MLG with forging body totaling more than 1,750 landings but less than 3,501 landings since new:

(i) Inspect the forging body for cracks within 100 landings after March 23, 2007 (the effective date retained from AD 2007–04–13), following the Accomplishment Instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006, or DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(ii) If no cracks are detected during the inspection required in paragraph (g)(1)(i) of this AD, repetitively thereafter inspect at intervals not to exceed 240 landings until a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, is installed.

(2) As of March 23, 2007 (the effective date retained from AD 2007–04–13), for MLG with forging body totaling more than 3,500 landings since new:

(i) Inspect the forging body for cracks within 25 landings after March 23, 2007 (the effective date retained from AD 2007–04–13), following the Accomplishment Instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006, or DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(ii) If no cracks are detected during the inspection required in paragraph (g)(2)(i) of this AD, repetitively thereafter inspect at

intervals not to exceed 240 landings until a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, is installed.

(h) Actions and Compliance for All Affected Airplanes

If any cracks are detected during any inspection required in paragraphs (f)(1) through (g)(2) of this AD, including all subparagraphs:

(1) Before further flight, remove the affected landing gear leg and confirm the presence of the crack with dye penetrant inspection or fluorescent penetrant inspection.

(2) If the crack is confirmed, before further flight, contact SOCATA at the address in paragraph (k) of this AD to coordinate the FAA-approved landing gear repair/replacement and implement any FAA-approved repair/replacement instructions obtained from SOCATA, or replace the cracked landing gear with a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014. This replacement terminates the repetitive inspections required by this AD.

(i) Calculating Unknown Number of Landings for Compliance

The compliance times of this AD are presented in landings instead of hours time-in-service (TIS). If the number of landings is unknown, hours TIS may be used by dividing the number of hours TIS by 1.35.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(k) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2006–0085R2, dated January 16, 2015. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2006–26235. For service information related to this AD, contact SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54; or SOCATA North America, North Perry Airport, 7501 S Airport Rd., Pembroke Pines, Florida 33023, telephone: (954) 893–1400; fax: (954) 964–4141; Internet: *http://www.socata.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on June 1, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–13917 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–101652–10]

RIN 1545–BJ29

Elimination of Circular Adjustments to Basis; Absorption of Losses

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the consolidated return regulations. These amendments would revise the rules concerning the use of a consolidated group's losses in a consolidated return year in which stock of a subsidiary is disposed of. The regulations would affect corporations filing consolidated returns.

DATES: Written or electronic comments, and a request for a public hearing, must be received by September 9, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–101652–10), Room 5205, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–101652–10), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–101652–10).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Robert M. Rhyne, (202) 317–6848; concerning submissions of comments or to request a public hearing, Oluwafunmilayo (Funmi) Taylor, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

1. Introduction

This document contains proposed amendments to 26 CFR part 1 under section 1502 of the Internal Revenue Code (Code). Section 1502 authorizes the Secretary to prescribe regulations for corporations that join in filing consolidated returns to reflect clearly the income tax liability of the group and to prevent avoidance of such tax liability, and provides that these rules may be different from the provisions of chapter 1 of subtitle A of the Code that would apply if the corporations filed separate returns. Terms used in the consolidated return regulations generally are defined in § 1.1502–1.

These proposed regulations would provide guidance regarding the absorption of members' losses in a consolidated return year, and provide guidance to eliminate the ''circular basis problem'' in a broader class of transactions than under current law.

This document also contains proposed conforming amendments to 26 CFR part 301 under section 6402. Section 6402 authorizes the Secretary to make credits and refunds. The proposed regulations would amend § 301.6402–7(g) (relating to claims for refunds and application for tentative carryback adjustments involving consolidated groups that include financial institutions) by revising the definition of separate net operating loss of a member in light of the proposed amendments to § 1.1502–21 (relating to the determination and treatment of consolidated and separate net operating losses, carrybacks, and carryovers).

2. Allocation and Absorption of Members' Losses

In general, the consolidated taxable income (CTI) or consolidated net operating loss (CNOL) of a consolidated group is the sum of each member's separately computed taxable income or loss (computed pursuant to § 1.1502–12) and certain items of income and deduction that are computed on a consolidated basis pursuant to § 1.1502–11.

Section 1.1502–21(b)(2)(i) (relating to carryovers and carrybacks of CNOLs to separate return years) provides generally that if a group has a CNOL and a portion of the CNOL would be carried to a

member's separate return year, the CNOL must be apportioned between the group and the member (or members) with the separate return year(s) in accordance with the amount of the CNOL attributable to those member(s). For this purpose, § 1.1502–21(b)(2)(iv) employs a fraction to determine the percentage amount of the CNOL attributable to a member. The numerator of the fraction is the separate net operating loss of the member for the consolidated return year, and the denominator is the sum of the separate net operating losses of all members for that year. For this purpose, the separate net operating loss of a member is determined by computing the CNOL, taking into account only the member's items of income, gain, deduction, and loss. Although the current consolidated return regulations provide rules for apportioning a CNOL among members when a member's loss may be carried to a separate return year, the regulations do not expressly adopt the fraction-based methodology of § 1.1502–21(b)(2)(iv) for computing the amount of each member's absorbed loss that is used to offset the income of members with positive separate taxable income or net capital gain for the consolidated return year in which the loss is recognized.

Furthermore, although the method provided for apportioning a CNOL under current law generally yields appropriate results, the apportionment may produce anomalies if capital gains are present. For example, assume a stand-alone corporation, P, acquires the stock of corporation S, and P and S file a consolidated return for the first taxable year of P ending after the acquisition. For the consolidated return year, P generates $100 of capital gain and incurs $100 of deductible expenses. S incurs a $100 capital loss. Thus, the group has a $100 CNOL. Under current law, the percentage of the CNOL attributable to each member is determined by its relative separate net operating loss, taking into account only its items. The CNOL that the group would have if only P's items were taken into account is zero ($100 of capital gain offset by $100 of deductible expenses). If only S's items were taken into account the group would have a consolidated net capital loss, but the CNOL would also be zero. Accordingly, because neither P nor S has a separate net operating loss, the allocation of the group's $100 CNOL is not clear.

Both to provide an absorption rule for apportioning ordinary and capital losses incurred in the same consolidated return year, and to address the CNOL apportionment issue, the proposed regulations would amend the current regulations in the following two ways. First, the proposed regulations add a new paragraph (e) to § 1.1502–11 to clarify that the absorption of members' losses to offset income of other members in the consolidated return year is made on a pro rata basis, consistent with the pro rata absorption of losses from taxable years ending on the same date that are carried back or forward under the rules of §§ 1.1502–21(b) and 1.1502–22(b) (relating to net capital loss carrybacks and carryovers). Second, to address apportionment anomalies that may arise if capital gains are present, the proposed regulations would provide that the separate net operating loss of a member, solely for apportionment purposes, is its loss determined without regard to capital gains (or losses) or amounts treated as capital gains. Thus, in the example in the preceding paragraph, P would be allocated the entire $100 CNOL. Excluding capital gains and losses from the computation is consistent with excluding capital gains and losses in determining a member's separate taxable income under § 1.1502–12, and taking capital gains and losses into account on a group, rather than a separate member, basis. A conforming amendment is made to § 301.6402–7(g)(2)(ii) (relating to refunds to certain statutory or court-appointed fiduciaries of an insolvent financial institution), which contains a similar allocation rule.

3. Circular Adjustments to Basis

A. The Circular Basis Problem and Current Regulations

To prevent the income, gain, deduction, or loss of a subsidiary from being reflected more than once in a consolidated group's income, the consolidated return regulations adjust an owning member's basis in a subsidiary's stock to reflect those items. As a group takes into account a subsidiary's items of income or gain, an owning member's basis in the subsidiary's stock increases. Likewise, as a group absorbs a subsidiary's deductions or losses, an owning member's basis in the subsidiary's stock decreases. These adjustments take place under what is generally referred to as the investment adjustment system. See § 1.1502–32.

If a group absorbs a portion of a subsidiary's loss in the same consolidated return year in which an owning member disposes of that subsidiary's stock, the owning member's basis in the subsidiary's stock is reduced immediately before the disposition. Consequently, the amount of the owning member's gain or loss on the disposition may be affected. Any change in the amount of gain or loss resulting from the disposition may in turn affect the amount of the subsidiary's loss that the group absorbs. Any further absorption of the subsidiary's loss triggers further adjustments to the basis in the subsidiary's stock. These iterative computations, which may completely eliminate the benefit of the disposed of member's losses, are referred to as the circular basis problem.

For example, assume P owns all the stock of S, and the group has a $100 consolidated net capital loss carryover, all of which is attributable to S. On December 31, P sells all of S's stock to a nonmember at a $10 gain. Absent the current rules in § 1.1502–11(b), P's $10 capital gain on the sale of S's stock would be offset by $10 of the consolidated net capital loss carryover (all of which is attributable to S). The use of the loss would cause P's basis in S's stock to be reduced by $10 (immediately before the sale), causing P to recognize $20 of gain on the sale of S's stock. Similarly, that $20 gain would be offset by $20 of S's consolidated net capital loss carryover, and so on, until the entire consolidated net capital loss carryover was depleted. At the end of these iterative calculations, the group would still report $10 of consolidated net capital gain. The current regulations prevent this result.

The Treasury Department and the IRS have considered a variety of approaches to the circular basis problem since the introduction of the investment adjustment system in 1966. The options considered, and either rejected or adopted in regulations to date, appear to have been motivated by differing views concerning the scope and severity of the circular basis problem. The circumstances in which the consolidated return regulations have provided relief to date have been limited to preventing the disposed of subsidiary's loss absorption from affecting the gain or loss recognized on the sale of that subsidiary. This is the case notwithstanding that many commentators have criticized the scope of relief as being too narrow, and have maintained that relief should be extended to, for example, the sales of brother-sister subsidiaries within the same consolidated return year.

Regulations promulgated in 1966 provided no relief from the circular basis problem, even though some relief was initially proposed. Section 1.1502–11(b), published in 1972, provided some relief from the circular basis problem, and those regulations were revised in

1994 into their current form (the circular basis rules).

To resolve the circular basis problem, the circular basis rules require that a tentative computation of CTI be made without taking into account any gain or loss on the disposition of a subsidiary's stock. The amount of the subsidiary's losses that would be absorbed under the tentative computation becomes a limitation on that subsidiary's losses that may be absorbed in the consolidated return year of disposition or as a carryback to a prior year. The limitation is intended to eliminate the circular basis adjustments to the subsidiary's stock and thus prevent iterative computations.

For example, assume a consolidated group consists of P, the common parent, and S, its wholly owned subsidiary, and neither P nor S had income or gain in a prior year. At the beginning of the consolidated return year, P has a $500 basis in S's stock. P sells S's stock for $520 at the end of the year. For the year, P has $30 of ordinary income (determined without taking into account P's gain or loss on the disposition of S's stock) and S has $80 of ordinary loss. To determine the limitation on the amount of S's loss that the group may use during the consolidated return year or as a carryback to a prior year, CTI is tentatively determined without taking into account P's gain or loss on the disposition of S's stock. Accordingly, the use of S's loss in the consolidated return year of disposition is limited to $30. The group is tentatively treated as having a CNOL of $50 (P's $30 of income minus S's $80 loss). The absorption of $30 of S's loss reduces P's basis in S's stock to $470, and results in $50 [$520—($500–$30)] of gain to P on the disposition. Thus, iterative computations are avoided.

Nevertheless, the circular basis rules do not prevent iterative computations in all cases—not even all cases in which the stock of a single subsidiary with a loss is disposed of. For example, if a member other than the disposed of subsidiary also has a loss, and the sum of the losses of the disposed subsidiary and the other member exceeds the income of the group (without regard to gain on the disposed subsidiary's stock) a tentative computation applying a pro rata rule for absorption establishes a limitation on the use of the disposed of subsidiary's loss. That amount will be used to reduce the owning member's basis in the subsidiary's stock and determine the gain or loss on the stock disposition. If the stock disposition results in gain, that gain will be taken into account in an actual computation of CTI. If the sum of the other member's loss and the disposed of subsidiary's limited loss still exceeds the income and gain of other members, the pro rata absorption rule will be applied again. That computation will result in a lower amount for the absorption of the disposed of subsidiary's loss, which will be different than the amount by which the owning member's stock basis was reduced. Accordingly, iterative computations would be required.

To illustrate, assume a consolidated group consists of P, the common parent, and its wholly owned subsidiaries, S1 and S2. At the beginning of the consolidated return year, P has a $500 basis in S1's stock. P sells all of its S1 stock for $500 at the end of the year. For the year, P has a $60 capital gain (determined without taking into account P's gain or loss on the disposition of S1's stock), S1 has a $40 net capital loss and S2 has an $80 net capital loss. To determine the limitation on the amount of S1's capital loss that the group may use during the consolidated return year, CTI is tentatively determined without taking into account gain or loss on the disposition of S1's stock, but with regard to S2's net capital loss. Because S2 has an $80 net capital loss in addition to S1's $40 net capital loss, $40 of S2's loss [$60 × ($80/$120)] and $20 of S1's loss [$60 × ($40/$120)] will be used (assuming pro rata absorption of losses as described in section 2 of the Explanation of Provisions of this preamble). Accordingly, the group's use of S1's loss is limited to $20. Thus, P's basis in S1's stock is reduced by $20 before P disposes of the stock. Therefore, P is assumed to recognize $20 [$500–($500–$20)] of gain on the disposition of its S1 stock, which leaves P with a total capital gain for the year of $80. Again, because S2 has an $80 loss in addition to S1's $20 usable loss, a pro rata portion of each subsidiary's losses will be absorbed in computing the P group's CTI. Assuming pro rata absorption of losses, P's $80 capital gain is offset with $16 of S1's capital loss [$80 × ($20/$100)]. This amount, however, is less than the $20 amount determined in the tentative computation by which P's basis in S1's stock was reduced. Thus, iterative computations would be required.

In considering the circular basis problem, the Treasury Department and the IRS have become aware that taxpayers have taken a broad range of approaches in cases in which the circular basis problem persists. Some taxpayers may undertake many iterative computations while, under similar facts, others will undertake few. Some commentators have suggested using simultaneous equations. That method can produce appropriate results in the simplest fact patterns, but becomes highly complex if both ordinary income and capital gains are present, or if the stock of more than one subsidiary is sold.

One approach that the Treasury Department and IRS considered but did not adopt in these proposed regulations was to disallow the absorption of any losses of a subsidiary in the year of disposition. Such a rule would have an adverse impact on any consolidated group with ordinary income that otherwise would be offset by the subsidiary's losses. Furthermore, a blanket prohibition on the use of a subsidiary's losses would be inappropriately harsh if a subsidiary's stock was sold at a loss and the unified loss rules required a stock basis reduction that was greater than the amount of S's loss. In such a case, the use of S's loss to offset income of other members allowed under current law reduces CTI, but the basis reduction that results from the absorption of the loss has no net effect on the owning member's basis in the subsidiary's stock. Prohibiting the use of the disposed of subsidiary's losses would simply increase the group's CTI.

The Treasury Department and IRS also considered but did not adopt an approach similar to the current rules that would compute a tentative amount of S's losses, and then require a reduction to P's basis in S's stock, regardless of whether S's losses were actually absorbed. This approach could lead to non-economic consequences when another subsidiary's losses are actually absorbed instead of S's according to the general rules of the Code and regulations, but S's losses are nonetheless treated as absorbed for purposes of reducing P's basis in S's stock.

A third approach that the Treasury Department and IRS considered but did not adopt was to turn-off the investment adjustment rules for losses of a subsidiary used in the year of disposition. Such an approach would allow a double deduction and undermine a bedrock principle of consolidated returns as articulated by the Supreme Court in *Charles Ilfeld Co.* v. *Hernandez,* 292 U.S. 62 (1934).

B. Proposed Circular Basis Rules

i. In General

The proposed regulations would provide relief and certainty to cases in which the circular basis problem persists, yet adhere to underlying consolidated return concepts without undue complexity. To prevent iterative

computations for a consolidated return year in which the stock of one or more subsidiaries is disposed of, these proposed regulations require a group to first determine the amount of each disposed subsidiary's loss that will be absorbed by computing CTI without regard to gain or loss on the disposition of the stock of any subsidiary (the absorbed amount). Once the amount of a subsidiary's absorbed loss is determined under that computation, the absorbed amount for each disposed of subsidiary is not redetermined. Determining each disposed of subsidiary's absorbed amount establishes an immutable number that will also be the amount of reduction to the basis of S's stock taken into account in computing the owning member's gain or loss on the disposition of S's stock. After the absorbed amount is determined, the owning member's basis of the S stock is adjusted under § 1.1502–32 (and § 1.1502–36 as relevant). The actual computation of CTI can then be made, taking into account losses of each disposed of subsidiary equal to that amount. In some cases, however, applying the generally applicable rules of the Code and regulations would result in less than all of a disposed of subsidiary's absorbed amount being used.

For example, assume S has an ordinary loss of $100 and P has capital gain net income of $100 (unrelated to its disposition of S stock), then S's absorbed amount would be determined to be $100. If after taking into account S's $100 absorbed amount P would have a $100 capital loss on a sale of S's stock, P's capital loss on its S stock would offset P's $100 capital gain, and S's ordinary loss would not be used in that year and would become a CNOL carryover (assuming no ability to carry back the loss). If an amount of S's losses equal to its absorbed amount were not used, P's basis in its S stock would not be reduced by the absorbed amount, and the amount of P's loss on S's stock would be changed.

The proposed regulations prevent such a result by providing for an alternative four-step computation of CTI if, applying the general ordering rules of the Code and regulations, less than all of a disposed of subsidiary's absorbed amount would be used. See *Examples 5, 6, 7, 8* and *9* of § 1.1502–11(b)(2)(vi) as proposed herein.

Under the first step, any income, gain, or loss on any share of subsidiary stock is excluded from the computation of CTI and the group uses losses of each disposed of subsidiary equal in both amount and character and from the same taxable years as those used in the computation of its absorbed amount. Thus, by excluding any income, gain, or loss on a stock disposition, and by giving priority to the losses of all disposed of subsidiaries, the proposed regulations would solve the circularity problem.

Under the second step, a disposing member offsets its gain on subsidiary stock with its losses on subsidiary stock (determined after applying § 1.1502–36 (b) and (c), and so much of § 1.1502–36(d) as is necessary to give effect to an election actually made under § 1.1502–36(d)(6)). If the disposing member has net income or gain on the subsidiary stock, and if the disposing member also has a loss of the same character (determined without regard to the stock net income or gain), the disposing member's loss is used to offset the net income or gain on the subsidiary stock to the extent of such income or gain. Any remaining net income or gain is added to the group's remaining income or gain as determined under the first step. Giving priority to S's losses ahead of other members' losses and excluding gain or loss on subsidiary stock are departures from the general rules that require a member to net its income and gain with its own losses before those amounts are combined in a consolidated computation. These departures may distort the amount of absorbed losses of a disposing member relative to the absorbed losses of other members. Thus, in order to put losses of a disposing member (unrelated to its loss on a stock disposition) on a par with losses of other members, the proposed regulations allow P's losses to offset the group's income before other members, but only to the extent of the gain (or income) on the disposed of subsidiary's stock.

Under the third step if, after the application of the second step of the alternative computation, the group has remaining income or gain and a disposing member has a net loss on subsidiary stock (determined after applying § 1.1502–36 (b) and (c), and so much of § 1.1502–36(d) as is necessary to give effect to an election actually made under § 1.1502–36(d)(6)), that income or gain is then offset by the loss on the disposition of subsidiary stock, subject to generally applicable rules of the Code and regulations. The amount of the offset, however, is limited to the lesser of the total remaining ordinary income or capital gain of the group (determined after the application of the second step) or the amount of the disposing member's ordinary income or capital gain (determined without regard to the stock loss).

Finally, under the fourth step, if the group has remaining income or gain, the unused losses of all members are applied on a pro rata basis.

The Treasury Department and the IRS recognize that the special rules in these proposed regulations may in certain cases alter the general rule under section 1211(a) that allows the deduction of losses from the sale or exchange of capital assets to the extent of capital gains. However, giving priority to the absorption of a disposed subsidiary's losses will prevent the need for iterative computations.

The Treasury Department and the IRS also recognize that the proposed regulations may increase the number of cases in which the general ordering rules for the absorption of members' losses will be altered and may in certain cases result in more gain (or less loss) on the sale of a subsidiary's stock than under current law. However, the Treasury Department and the IRS believe that the benefits derived from the certainty that the proposed rules achieve generally outweigh the potential detriments of these deviations from the general rules. Comments are requested on whether there are alternative approaches that would both eliminate the circular basis problem and preserve the general rule for the absorption of capital and ordinary losses.

ii. Higher-Tier Subsidiaries

Under § 1.1502–11(b)(4)(ii) of the current regulations, if S is a higher-tier subsidiary of another subsidiary (T), the use of T's losses is subject to the circular basis rules upon a disposition of S's stock, but only if 100 percent of T's items of income, gain, deduction, and loss would be reflected in the basis of S's stock in the hands of the owning member (100-percent requirement). If another member of S's consolidated group or a nonmember owns any stock of either S or T, the circular basis rules do not apply.

These proposed regulations would remove the 100-percent requirement. Thus, if any stock of a higher-tier subsidiary is disposed of, the absorption of losses of a lower-tier subsidiary is subject to the proposed circular basis rules by treating the lower-tier subsidiary as if its stock had been disposed of. The Treasury Department and the IRS request comments regarding whether, and under what circumstances, the 100-percent requirement should be retained.

C. Other Provisions

Ordinary income and deductions are generally taken into account on a separate company basis before the

computation of CTI occurs. A member's separate taxable income under § 1.1502–12 is computed in accordance with the provisions of the Code subject to certain modifications. These modifications generally relate to items that are determined on a consolidated basis (for example, the use of capital losses and the limitation on charitable contribution deductions). Although gain or loss on the disposition of a subsidiary's stock is usually capital, a worthless stock deduction could be ordinary if the conditions of section 165(g)(3) are satisfied. In addition, a gain on the disposition of such stock can be ordinary if the recapture rules of section 1017(d) apply. Under these proposed regulations, gain and loss on the disposition of subsidiary stock are disregarded in determining the subsidiary's absorbed amount, and in an alternative computation of CTI. Consequently, if stock of a subsidiary is disposed of, these proposed regulations may require a departure from the general rules for the computation of an owning member's separate taxable income. The Treasury Department and the IRS believe that this departure from the general rules is necessary to avoid iterative computations and request comments as to whether an alternative methodology would be preferable.

These proposed regulations clarify the interaction of the Unified Loss Rule of § 1.1502–36 with the circular basis rules. Adjustments under § 1.1502–36 (b), (c), and (d)(6) (if an election is made to reattribute losses or reduce stock basis) will affect the computation of CTI. Therefore, these proposed regulations contain guidance as to the point in the computation that those adjustments are made.

The proposed regulations also contain a rule to prevent iterative computations in determining the amount of deductions that are determined by reference to or are limited by the group's CTI, for example, the consolidated charitable contributions deduction under § 1.1502–24 and a member's percentage depletion deduction with respect to oil or gas property for independent producers and royalty owners under § 1.1502–44. The amount of those deductions is taken into account in determining the group's CTI and may affect the computation of a disposed of subsidiary's absorbed amount. The absorbed amount will reduce the stock basis and affect the amount of gain or loss on the disposition of the subsidiary's stock, which will change the amount of CTI, and thus the amount of the group's deduction. To prevent these iterative computations, the proposed regulations provide that the amount of those deductions is determined without regard to gain or loss on the disposition of a subsidiary's stock.

As a result of the later addition of § 1.1502–11(c), current § 1.1502–11(b) does not apply if a member realizes discharge of indebtedness income that is excluded from gross income under section 108(a). The rules applicable in that case, contained in paragraph (c) of § 1.1502–11, are generally not addressed by these proposed regulations, but to the extent that paragraph (c) uses the absorbed amount described in § 1.1502–11(b)(2) as a starting point, the computation will be affected. Comments are requested regarding appropriate additional changes to § 1.1502–11(c).

Finally, the proposed regulations include modifications to §§ 1.1502–11(a), 1.1502–12, 1.1502–22(a), and 1.1502–24 of the current regulations and removal of §§ 1.1502–21A, 1.1502–22A and 1.1502–23A. These modifications are not changes to current substantive law; they are intended solely to update the regulations to reflect certain statutory changes and remove cross-references to outdated regulatory provisions.

Proposed Effective Date

These regulations are proposed to be effective for consolidated return years beginning on or after the date these regulations are published as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. These proposed regulations would not impose a collection of information on small entities. Further, under the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these proposed regulations would not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these proposed regulations would primarily affect members of consolidated groups that tend to be large corporations. Accordingly, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original with eight (8) copies) or electronic comments that are submitted timely to the IRS. The Treasury Department and the IRS request comments on all aspects of the proposed regulations.

All comments will be available for public inspection and copying at *www.regulations.gov* or upon request. A public hearing may be scheduled if requested by any person that timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Robert M. Rhyne, Office of Associate Chief Counsel (Corporate). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recording keeping requirements.

26 CFR Part 301

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

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 301 are proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry for § 1.1502–24 to read in part as follows:

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

* * * * *

Section 1.1502–24 also issued under 26 U.S.C. 1502.

* * * * *

■ **Par. 2.** Section 1.1502–11 is amended by:

■ 1. Revising paragraphs (a) introductory text, (a)(2), (a)(3), and (a)(4).

■ 2. Removing and reserving paragraph (a)(6).

■ 3. Revising paragraphs (b), (c)(2)(i), and (c)(2)(ii).

■ 4. Removing in paragraph (c)(2)(vi) the phrase ''unlimited deductions and losses that are absorbed'' and adding

''S's absorbed amount of losses'' in its place.

■ 5. Revising paragraph (c)(4).

■ 6. Revising the heading of paragraph (c)(7) and adding a sentence at the end of the paragraph.

■ 7. Adding paragraph (e).

The revisions and additions read as follows:

§ 1.1502–11 Consolidated taxable income.

(a) *In general.* The consolidated taxable income (CTI) for a consolidated return year shall be determined by taking into account—

* * * * *

(2) Any consolidated net operating loss (CNOL) deduction (see § 1.1502–21 for the computation of the CNOL deduction);

(3) Any consolidated capital gain net income (see § 1.1502–22 for the computation of the consolidated capital gain net income);

(4) Any consolidated section 1231 net loss (see § 1.1502–23 for the computation of the consolidated section 1231 net loss);

* * * * *

(6) [Reserved]

* * * * *

(b) *Elimination of circular basis adjustments if there is no excluded COD income*—(1) *In general.* If a member (P) disposes of a share of stock of one or more subsidiaries (S), this paragraph (b) applies to determine the amount of S's losses that will be used in the consolidated return year of disposition and in a carryback year. The purpose of these rules is to prevent P's income, gain, deduction, or loss from the disposition of a share of S's stock from affecting the amount of S's deductions and losses that are absorbed. A change to the amount of S's absorbed losses would affect P's basis in S's stock under § 1.1502–32, which in turn affects P's gain or loss on the disposition of S's stock. For purposes of this section, P is treated as disposing of a share of a subsidiary's stock if any event described in § 1.1502–19(c) occurs or, if for any reason, a member recognizes gain or loss (including an excess loss account included in income) with respect to the share. However, to the extent income, gain, deduction, or loss from a disposition of a share of S's stock is deferred under any rule of law (for example, § 1.1502–13 and section 267(f)), the taxable year in which the deferred amount is taken into account is treated as the taxable year of disposition. This paragraph (b) does not apply if any member realizes discharge of indebtedness income that is excluded from gross income under section 108(a) during the consolidated return year of the disposition. If a member realizes such income, see paragraph (c) of this section. For purposes of this section, S's ordinary loss means its separate net operating loss (as defined in § 1.1502–21(b)(2)(iv)(B)). Solely for purposes of this section, any reference to a member's capital gain includes amounts treated as capital gain. Furthermore, for those purposes, a member's capital loss means a consolidated net capital loss determined by reference to only that member's capital gain and capital loss items.

(2) *Deductions and losses of disposed subsidiaries*—(i) *Determination of absorbed amounts.* If P disposes of a share of S's stock in a transaction to which this paragraph (b) applies, the extent to which S's ordinary loss and capital loss (including losses carried over from a prior year) that are absorbed in the consolidated return year of the disposition or in a prior year as a carryback (the absorbed amount) is determined under this paragraph (b)(2). S's absorbed amount is the amount that would be absorbed in a computation of the group's consolidated taxable income (CTI) for the consolidated return year of the disposition (and any taxable year to which losses may be carried back) without taking into account any member's income, gain, deduction, or loss from the disposition of any share of any subsidiary's stock in that year. S's absorbed amount is determined after first applying other applicable limitations and ordering rules (for example, limitations imposed by section 382(a) and § 1.1502–21 and the ordering rules of section 382(l)(2)) to S's deductions and losses. Any election that the group makes on its actual return for the consolidated return year (for example, an election to relinquish a carryback under § 1.1502–21(b)(3)) must be used in this computation. Once S's absorbed amount is determined, that amount is not redetermined. Except as provided in paragraph (b)(2)(iii)(B)(*1*) of this section, the amount determined under this paragraph (b)(2)(i) fixes only the amount of S's losses that will be absorbed. Thus, under paragraph (b)(2)(iii)(A) of this section, the character of the losses that are absorbed in the actual computation of the group's CTI for the year (or as a carryback to a prior year) may not be the same as the character of the losses that are absorbed in determining the absorbed amount. However, if the alternative computation of paragraph (b)(2)(iii)(B)(*1*) of this section is required, the character of the absorbed amount as determined under this paragraph (b)(2)(i) is retained.

(ii) *Stock basis reduction and gain or loss on disposition.* After the determination of S's absorbed amount, P reduces its basis in S's stock under the investment adjustment rules of § 1.1502–32(b)(2) by the absorbed amount. If any share is a loss share, P then adjusts its basis in S's stock by applying paragraphs (b) and (c) of § 1.1502–36, and, if an election is actually made under § 1.1502–36(d)(6), by applying § 1.1502–36(d) to the extent necessary to give effect to the election. P then computes its gain or loss on the disposed of shares after taking into account those adjustments.

(iii) *Actual computation of CTI*—(A) *In general.* The group's CTI and any carryback of a portion of a CNOL are determined under applicable provisions of the Internal Revenue Code (Code) and regulations, taking into account gain or loss on any subsidiary's stock, and taking into account losses of disposed of subsidiaries equal to each such subsidiary's absorbed amount.

(B) *Alternative computation.* If the computation of the group's CTI under paragraph (b)(2)(iii)(A) of this section would result in an absorption of less than all of any disposed of subsidiary's absorbed amount, then the group's CTI is computed by applying the following steps, rather than the computation under that paragraph:

(*1*) First, losses of each disposed of subsidiary equal in both amount and character and from the same taxable years as losses used in the computation of its absorbed amount under paragraph (b)(2)(i) of this section offset income and gain of other members without taking into account any gain or loss on any share of subsidiary stock and without regard to net losses of other members.

(*2*) Second, a disposing member offsets its gain on subsidiary stock with its losses on subsidiary stock of the same character. For this purpose, a loss on subsidiary stock is determined after applying § 1.1502–36 (b) and (c), and so much of § 1.1502–36(d) as is necessary to give effect to an election actually made under § 1.1502–36(d)(6). If the disposing member has net income or gain on subsidiary stock, and if the member also has a loss of the same character (determined without regard to the net income, gain, deduction or loss on subsidiary stock), the loss offsets that net income or gain and any remaining income or gain is added to the amount determined after the application of paragraph (b)(2)(ii)(B)(*1*) of this section. For example, if P has a net capital loss on portfolio stock, that net loss is not taken into account in applying paragraph (b)(2)(iii)(B)(*1*). However, under this paragraph (b)(2)(iii)(B)(*2*),

that net capital loss is absorbed to the extent of that member's net capital gain on subsidiary stock.

(*3*) Third, if, after the application of paragraph (b)(2)(iii)(B)(*2*) of this section, the group has remaining income or gain and a disposing member has a net loss on subsidiary stock (determined after applying § 1.1502–36(b) and (c), and so much of § 1.1502–36(d) as is necessary to give effect to an election actually made under § 1.1502–36(d)(6)), that remaining income or gain is then offset by a loss on the disposition of subsidiary stock, subject to the applicable rules of the Code and regulations. The amount of the offset, however, is limited to the lesser of the total remaining ordinary income or capital gain of the group (determined after the application of paragraph (b)(2)(iii)(B)(*2*) of this section), or the amount of the disposing member's ordinary income or capital gain of the same character (determined without regard to the stock loss). If the preceding sentence applies to more than one disposing member, and the sum of the amounts determined under that sentence exceeds the group's remaining ordinary or capital gain, the amounts offset capital gain or ordinary income on a pro rata basis under the principles of paragraph (e) of this section.

(*4*) Fourth, if, after application of paragraph (b)(2)(iii)(B)(*3*) of this section, the group has remaining ordinary income or capital gain, those amounts are offset by the unused losses of all members on a pro rata basis under paragraph (e) of this section.

(C) *Priority of rules.* The computation of CTI under this paragraph (b)(2)(iii) applies notwithstanding other rules for the absorption of a portion of a member's current year loss, such as paragraphs (a) and (e) of this section, §§ 1.1502–12 and 1.1502–22(a), and the absorption of a member's portion of a CNOL or consolidated net capital loss carryover from a prior year under §§ 1.1502–21(b) and 1.1502–22(b), respectively. For example, in some circumstances, an ordinary loss of a disposed of subsidiary may offset capital gain of another member notwithstanding that under general rules a capital loss of another member would be allowed to the extent of capital gains before an ordinary loss is taken into account. Similarly, an ordinary loss with respect to a subsidiary's stock, which would generally offset ordinary income of the owning member and be included in determining that member's separate taxable income, may become a loss carryover if use of that loss would cause less than all of a disposed of subsidiary's absorbed amount to be used.

(D) *Deductions determined by reference to CTI.* In the case of any deduction of any member that is determined by reference to or limited by the amount of CTI (for example, a charitable contribution deduction under § 1.1502–24(c) and a percentage depletion deduction under § 1.1502–44(b)), the amount of the deduction is determined without regard to any gain or loss on subsidiary stock.

(iv) *Losses not absorbed.* To the extent S's losses in the consolidated return year of the disposition of its stock do not offset income or gain by reason of the rules of this paragraph (b), S ceases to be a member, and S's losses are not reattributed under § 1.1502–36(d)(6), the losses are carried over to its separate return years (if any) under the applicable principles of the Code and regulations thereunder. Those losses are not taken into account in determining the percentage of CNOL or consolidated net capital loss attributable to members under § 1.1502–21(b)(2)(iv) or § 1.1502–22(b)(3), respectively. If S remains a member, its unused losses are included in the CNOL or consolidated net capital loss carryovers and are subject to the allocation rules of those sections.

(v) *Disposition of stock of a higher-tier subsidiary.* If a subsidiary (T) is a lower-tier subsidiary (as described in § 1.1502–36(f)(4)) of a higher-tier subsidiary (S), and S's stock is disposed of during a consolidated return year, T's losses are subject to this paragraph (b) as if T's stock had been disposed of. Thus, T's absorbed amount is determined by disregarding any gain or loss (for example, an excess loss account taken into account under § 1.1502–19(b)) on a deemed disposition of T's stock as provided under this paragraph (b), as well as any gain or loss on the disposition of a share of any other subsidiary's stock.

(vi) *Examples.* For purposes of the examples in this paragraph (b)(2)(vi), unless otherwise stated, P is the common parent of a calendar-year consolidated group and owns all of the only class of stock of subsidiaries S, S1, S2, M, M1, and M2 for the entire year; S, S1, S2, M, M1, M2, and T own no stock of lower-tier subsidiaries; all persons use the accrual method of accounting; the facts set forth the only corporate activity; all transactions are between unrelated persons; tax liabilities are disregarded; and § 1.1502–36 will not cause P to adjust its basis in S's stock immediately before a disposition. The rules of this paragraph (b)(2) are illustrated by the following examples:

Example 1. Absorption of disposed of subsidiary's losses. (i) *Facts.* P has a $500 basis in S's stock. P sells S's stock for $520 at the close of Year 1. For Year 1, P has ordinary income of $30 (determined without taking into account P's gain or loss from the disposition of S's stock) and S an $80 ordinary loss.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's taxable income is computed without taking into account P's gain or loss from the disposition of S's stock. The P group is treated as having a CNOL of $50 (P's $30 of income minus S's $80 separate net operating loss). Accordingly, S's absorbed amount determined under paragraph (b)(2)(i) of this section is $30.

(iii) *Loss absorption and basis reduction.* Under paragraph (b)(2)(ii) of this section, P's basis in S's stock is reduced by S's $30 absorbed amount from $500 to $470 immediately before the disposition. Consequently, P recognizes a $50 gain from the sale of S's stock, and the P group has CTI of $50 for Year 1 (P's $30 of ordinary income plus its $50 of gain from the sale of S's stock, minus $30 of S's ordinary loss equal to its absorbed amount). In addition, S's $50 of unabsorbed loss is carried to S's first separate return year.

Example 2. Carrybacks and carryovers. (i) *Facts.* For Year 1, the P group has CTI of $30 (all of which is attributable to P) and a consolidated net capital loss of $100 ($50 attributable to P and $50 to S), which cannot be carried back. At the beginning of Year 2, P has a $300 basis in S's stock. P sells S's stock for $280 at the close of Year 2. For Year 2, P has ordinary income of $30, and a $20 capital gain (determined without taking into account the consolidated net capital loss carryover from Year 1 or P's gain or loss from the disposition of S's stock), and S has a $100 ordinary loss.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's taxable income for Year 2 is computed without taking into account P's gain or loss from the disposition of S's stock. Under section 1212(a)(1)(B), P's $20 capital gain for Year 2 would be offset by $20 of the group's consolidated capital loss carryover from Year 1 ($10 attributable to P and $10 attributable to S). P's $30 of ordinary income in Year 2 would be offset by $30 of S's $100 ordinary loss in that year. P's $30 of ordinary income in Year 1 would be offset by a $30 CNOL carryback from Year 2, all of which is attributable to S. Accordingly, S's absorbed amount under paragraph (b)(2)(i) of this section is $70 ($10 of S's portion of the consolidated capital loss carryover from Year 1 plus $60 of S's loss from Year 2).

(iii) *Loss absorption and basis reduction.* Under paragraph (b)(2)(ii) of this section, P's basis in S's stock is reduced by S's $70 absorbed amount from $300 to $230, immediately before the disposition, resulting in $50 of capital gain to P from the sale of S's stock for $280 in Year 2. Thus, for Year 2 P will have $70 of capital gain ($50 from

the stock sale plus $20 from its other capital gain for that year), which will be offset by $70 of the consolidated capital loss carryover from Year 1, $35 of which is attributable to P and $35 of which is attributable to S. Another $30 of S's ordinary loss offsets P's $30 of ordinary income in Year 2. An amount of S's ordinary loss equal to its remaining $5 absorbed amount may be carried back to Year 1 to offset $5 of the group's CTI in that year. P will have a $15 ($50 − $35) capital loss carryover from Year 1, and S will carry over a $15 ($50 − $35) capital loss from Year 1 and a $65 ($100 − $35) NOL to its first separate return year.

Example 3. Chain of subsidiaries. (i) *Facts.* P has a $500 basis in the stock of S and S has a $500 basis in the stock of T, its wholly owned subsidiary. P sells all of its S stock for $520 at the close of Year 1. For Year 1, P has ordinary income of $30, S has no income or loss, and T has an $80 ordinary loss.

(ii) *Determination of absorbed amount, basis reduction, and loss absorption.* Under § 1.1502–19(c)(1)(ii), T's stock is treated as disposed of when it becomes a nonmember, and its losses are subject to paragraph (b) of this section. Thus, T's absorbed amount is determined by taking into account P's $30 of ordinary income but without taking into account any gain or loss on P's disposition of S's stock. Accordingly, T's absorbed amount determined under paragraph (b)(2)(i) of this section is $30. Under paragraph (b)(2)(ii) of this section, S's basis in T's stock is reduced by $30, from $500 to $470. Furthermore, under § 1.1502–32(a)(3)(iii), P's basis in S's stock is reduced by $30, from $500 to $470, immediately before the sale. Consequently, P recognizes a $50 gain from the sale of S's stock ($520 − $470), and T will have a $50 ($80—$30) NOL carryover to its first separate return year.

(iii) *Excess loss account in lower-tier stock.* The facts are the same as in paragraph (i) of this *Example 3,* except that S has a $10 excess loss account (ELA) in T's stock (rather than a $500 basis). Under paragraph (b)(1) of this section, T's stock is treated as disposed of and its absorbed amount is determined under paragraph (b)(2)(i) of this section. Thus, T's absorbed amount is determined by taking into account P's $30 of ordinary income but without taking into account P's gain or loss on the disposition of S's stock and S's inclusion of its ELA with respect to T's stock under § 1.1502–19(b)(1). Accordingly, T's absorbed amount determined under paragraph (b)(2)(i) of this section is $30. Under paragraph (b)(2)(ii) of this section, S's ELA in its T stock is increased by $30, from $10 to $40, immediately before the disposition of T's stock. Under § 1.1502–19(b), the ELA is included in S's income. Moreover, under § 1.1502–32(b)(2), P's basis in S's stock is increased immediately before the sale by a net $10 (S's $40 inclusion of T's ELA under § 1.1502–19(b) minus T's $30 absorbed loss that tiers up under § 1.1502–32(a)(3)(iii)) from $500 to $510. Thus, P recognizes $10 of gain on the sale of S's stock ($520 − $510), and S takes into account $40 of gain from the inclusion of its ELA in T's stock. T will have a $50 ($80 − $30) NOL carryover to its first separate return year.

Example 4. Sale of S's stock and S remains in the group. (i) *Facts.* For Year 1, the P group has CTI of $100 (all of which is attributable to P). At the beginning of Year 2, P has a $40 basis in each of the 10 shares of S's stock. P sells 2 shares of S's stock for $85 each at the close of Year 2. For Year 2, P has an $80 ordinary loss (determined without taking into account P's gain or loss from the sale of S's stock), and S has an $80 ordinary loss.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's CTI for Year 2 is computed without taking into account P's gain or loss from the sale of S's stock. Thus, the group would have a $160 CNOL for Year 2, $100 of which is carried back to Year 1 ($50 attributable to S and $50 attributable to P) and offsets $100 of CTI in that year. Accordingly, S's absorbed amount determined under paragraph (b)(2)(i) of this section is $50.

(iii) *Loss absorption and basis reduction.* Under paragraph (b)(2)(ii) of this section, P's basis in all of S's stock is reduced by $50. Each of P's 10 shares of S stock is reduced by $5 from $40 to $35. Consequently, on the sale of each of the 2 shares of S's stock, P recognizes a $50 gain ($85 − $35). The losses available to offset the $100 gain on the sale of S's 2 shares consist of P's $80 ordinary loss and $50 of S's ordinary loss equal its absorbed amount. Under paragraph (e) of this section, P's and S's losses are absorbed on a pro rata basis. Therefore, the group absorbs approximately $62 ($100 × 80/80 + 50) of P's ordinary loss from Year 2, and approximately $38 ($100 × 50/80 + 50) of S's ordinary loss in that year. P's remaining $18 ($80–$62) of ordinary loss in Year 2 and S's remaining $12 ($50 − $38) of ordinary loss equal to its remaining absorbed amount may be carried back to Year 1 to offset $30 of the $100 of CTI in that year. For Year 2, the P group has $30 remaining of its CNOL (all of which is attributable to S) which is carried to the P group's Year 3 consolidated return year.

(iv) *Lower-tier subsidiary.* The facts are the same as in paragraph (i) of this *Example 4,* except that S has no income or loss for Year 2, but S's wholly owned subsidiary, T, has an $80 ordinary loss. Under paragraph (b)(2)(v) of this section, T's loss is subject to paragraph (b) of this section as if T's stock had been disposed of. To determine T's absorbed amount, and the effect of the absorption of its losses under § 1.1502–32 on S's basis in its T stock and P's basis in its S stock, the group's taxable income is computed without taking into account P's gain or loss from the sale of S's stock. Of the group's $160 CNOL for Year 2, $100 is carried back to Year 1 ($50 attributable to P and $50 attributable to T) and offsets $100 of CTI in that year. Accordingly, T's absorbed amount determined under paragraph (b)(2)(i) of this section is $50. Under paragraph (b)(2)(ii) of this section, S's basis in T's stock is reduced by $50. Under § 1.1502–32(a)(3)(iii), the $50 reduction to S's basis in T's stock tiers up and reduces P's basis in its 10 shares of S stock by $50. Consequently, P's basis in each of the 10 shares of S stock will be decreased by $5 from $40 to $35. On the sale of each of the 2 shares of S's stock, P recognizes a $50 gain ($85 − $35). Under the actual computation, the group has P's $80 ordinary loss and $50 of T's $80 ordinary loss (limited by its absorbed amount) available to offset P's $100 gain on the sale of S's stock. Under paragraph (e) of this section, P's gain is offset on a pro rata basis by approximately $62 ($100 × 80/($80 + $50)) of P's ordinary loss in Year 2, and approximately $38 ($100 × ($50/($80 + $50)) of T's ordinary loss in that year. P's remaining $18 of ordinary loss in Year 2 and $12 of T's ordinary loss equal to its remaining absorbed amount may be carried back to Year 1 to offset $30 of the $100 of CTI in that year. For Year 2, the P group has $30 remaining of its CNOL (all of which is attributable to T) which is carried to the P group's Year 3 consolidated return year.

Example 5. Alternative Computation. (i) *Facts.* At the beginning of Year 1, P has a $200 basis in S's stock. P sells all of its S stock for $100 at the close of Year 1. For Year 1, P has $10 capital gain on portfolio stock. In addition to S, P has two other subsidiaries, M1 and M2. M1 has capital gain of $50; M2 has a capital loss of $30, and S has a capital loss of $60.

(ii) *Determination of absorbed amount.* To determine S's absorbed amounts and the effect of the absorption of its loss under § 1.1502–32(b)(2) on P's basis in S's stock, the group's taxable income is computed without taking into account P's gain or loss from the disposition of S's stock. Under that computation, S's capital loss would offset $40 ($60 × $60/$90) of the group's $60 of capital gain. Accordingly, S's absorbed amount is $40.

(iii) *Basis reduction.* Under paragraph (b)(2)(ii) of this section, S's $40 absorbed amount reduces P's basis in S's stock by $40 from $200 to $160. On the sale of S's stock, P recognizes a capital loss of $60 ($100 − $160).

(iv) *Computation of CTI under generally applicable rules.* In the actual computation under paragraph (b)(2)(iii)(A) of this section, P is treated as having a $50 capital loss ($60 capital loss on the sale of S's stock plus $10 capital gain). Therefore, the only capital gain in the actual computation is M1's $50. There is a total of $120 of capital loss in the computation: S's $40 of capital loss (equal to its absorbed amount), as well as P's $50 and M2's $30 capital losses. M1's $50 of capital gain would be offset on a pro rata basis by approximately $16.50 of S's loss ($50 × $40/$120), approximately $21.00 ($50 × $50/$120) of P's $50 capital loss, and $12.50 ($50 × $30/$120) of M2's capital loss. Because less than all of S's absorbed amount of $40 would be used, the group's CTI is determined under the alternative computation of paragraph (b)(2)(iii)(B) of this section.

(v) *Alternative computation of CTI.* Under paragraph (b)(2)(iii)(B)(*1*) of this section, S's $40 capital loss (the amount and character of S's absorbed amount) first offsets $40 of the $60 of capital gain (determined without taking into account any gain or loss on P's sale of S stock and without regard to M2's capital loss of $30) generated by other members. Accordingly, $20 of capital gain (P's $10 capital gain determined without regard to its loss on S's stock plus M1's $50

capital gain minus S's $40 absorbed amount) remains. Because P has no net stock gain, paragraph (b)(2)(iii)(B)(*2*) of this section is inapplicable. Under paragraph (b)(2)(iii)(B)(*3*) of this section, $10 (the amount of P's capital loss on S's stock limited by the amount of its income included in the computation under paragraph (b)(2)(i) of this section) of P's capital loss offsets the group's $20 remaining capital gain. Under paragraph (b)(2)(iii)(B)(*4*) of this section, capital losses of members other than S offset the group's remaining $10 of capital gain on a pro rata basis. Therefore, the group will use $3.75 of M2's $30 capital loss ($10 × $30/$80) and $6.25 of P's $50 remaining capital loss ($10 × $50/$80). The group will have a $70 consolidated net capital loss carryover to Year 2 ($43.75 attributable to P and $26.25 attributable to M2). Paragraphs (b), (c), and (d)(6) of § 1.1502–36 will not cause P to adjust its basis in S's stock immediately before P's sale of the S stock. However, S's $20 unabsorbed capital loss that may be carried to its first separate return year may be reduced under the attribute reduction rule of § 1.1502–36(d)(2).

Example 6. Loss disposition. (i) *Facts.* For Year 1, the P group has a consolidated net capital loss of $100, all of which is attributable to S, and P and M have no income or loss. At the beginning of Year 2, P has a $300 basis in S's stock. P sells all of S's stock for $100 at the close of Year 2. For Year 2, P and S have no income or loss (determined without taking into account P's gain or loss from the disposition of S's stock) and the group has consolidated capital gain net income of $100 attributable solely to M.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's taxable income for Year 2 is computed without taking into account P's gain or loss from the disposition of S's stock. The $100 consolidated net capital loss carryover from Year 1 attributable to S offsets the group's $100 of consolidated capital gain net income in Year 2. Accordingly, S's absorbed amount determined under paragraph (b)(2)(i) of this section is $100.

(iii) *Loss absorption and basis reduction.* Under paragraph (b)(2)(ii) of this section, P's basis in S's stock is reduced from $300 to $200 immediately before the disposition. Consequently, P recognizes a $100 capital loss on the sale of S's stock. In an actual computation of CTI, P's $100 capital loss on S's stock in Year 2 would offset M's $100 capital gain in Year 2 before the consolidated capital loss carryover from Year 1 and, as a result, S's $100 absorbed amount would not be used. Because less than all of S's absorbed amount of $100 would be used, the group's CTI is determined under the alternative computation of paragraph (b)(2)(iii)(B) of this section.

(iv) *Alternative Computation of CTI.* Under paragraph (b)(2)(iii)(B)(*1*) of section, S's $100 consolidated net capital loss carryover from Year 1 first offsets M's $100 of capital gain in Year 2. Because P has no net stock gain to be added to the computation, the amount under paragraph (b)(2)(iii)(B)(*2*) of this section is zero. Because there is no remaining income to offset, paragraphs (b)(2)(iii)(B)(*3*) and (b)(2)(iii)(B)(*4*) of this section are inapplicable. Therefore, P's $100 loss on S's stock becomes a consolidated net capital loss carryover to the group's Year 3 consolidated return year.

Example 7. Netting of Disposing Member's Gains and Losses. (i) *Facts.* At the beginning of Year 1, P has a $120 basis in S's stock. P sells all of S's stock for $80 at the close of Year 1. In addition, P has $60 capital loss on the sale of portfolio stock. S has a capital loss of $180. M1 has a capital gain of $100 and M2 has a capital loss of $120.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its loss under § 1.1502–32(b)(2) on P's basis in S's stock, the group's taxable income is computed without taking into account P's gain or loss from the disposition of S's stock. Under that computation, S's capital loss would offset $50 ($100 × $180/($180 + $120 + $60)) of M1's $100 capital gain. Accordingly, S's absorbed amount is $50.

(iii) *Basis reduction and computation of CTI under generally applicable rules.* Under paragraph (b)(2)(ii) of this section, P's basis in S's stock is reduced by $50 from $120 to $70 immediately before the sale. Consequently, P recognizes a $10 capital gain on the sale of S's stock. In an actual computation of CTI, P's $10 capital gain on the sale of S's stock would be offset by $10 of P's $60 capital loss. M1's $100 capital gain would be offset by $22.73 ($100 × $50/($50 + $120 + $50)) of P's $50 of net capital loss, $54.54 ($100 × $120/$220) of M2's $120 capital loss and $22.73 ($100 × $50/$220) of S's $50 capital loss. Because less than all of S's absorbed amount of $50 would be used, the group's CTI is determined under the alternative computation of paragraph (b)(2)(iii)(B) of this section.

(iv) *Alternative computation of CTI.* Under paragraph (b)(2)(iii)(B)(*1*) of this section, $50 of S's capital loss (the amount and character of S's absorbed amount) first offsets $50 of the $100 capital gain (determined without taking into account any gain or loss on P's sale of S stock and without regard to P's and M2's capital losses). Therefore, after the absorption of S's loss equal to its absorbed amount, there is $50 of remaining capital gain. P will have a $10 capital gain on the sale of S's stock, a $60 capital loss on portfolio stock, and M2 will have a $120 capital loss. Under paragraph (b)(2)(iii)(B)(*2*) of this section, $10 of P's $60 loss on portfolio stock offsets its $10 gain on S's stock before M2's $120 capital loss is taken into account. No member has a net loss on subsidiary stock, and therefore paragraph (b)(2)(iii)(B)(*3*) of this section does not apply. Under paragraph (b)(2)(iii)(B)(*4*) of this section, the remaining capital gain of $50 after the application of paragraph (b)(2)(iii)(B)(*3*) is offset pro rata by $14.70 ($50 × $50/($50 + $120)) of P's capital loss and $35.30 ($50 × $120/$170) of M2's capital loss. P's unused capital loss of $35.30 and M2's unused capital loss of $84.70 become a $120 consolidated net capital loss carryover to the group's Year 2 consolidated return year.

Example 8. Character of Absorbed Amount. (i) *Facts.* At the beginning of Year 1, P has a $550 basis in S's stock. P sells all of S's stock for $50 at the close of Year 1. In addition, P has a capital gain of $200 (without regard to gain or loss on the sale of S's stock). S has an ordinary loss of $50 and M has an ordinary loss of $25.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's taxable income is computed without taking into account P's gain or loss from the disposition of S's stock. Under that computation, S's $50 ordinary loss and M's $25 ordinary loss offset $75 of P's $200 capital gain. Accordingly, S's absorbed amount determined under paragraph (b)(2)(i) of this section is $50.

(iii) *Basis reduction and computation of CTI under generally applicable rules.* Under paragraph (b)(2)(ii) of this section, P's basis in S's stock is reduced by $50 from $550 to $500 immediately before the sale. Consequently, P recognizes a $450 capital loss on the sale of S's stock. In an actual computation of CTI, $200 of P's $450 capital loss on its sale of S's stock would offset its $200 capital gain and none of S's absorbed amount would be used. Because less than all of S's absorbed amount of $50 would be used, the group's CTI is determined under the alternative computation of paragraph (b)(2)(iii)(B) of this section.

(iv) *Alternative computation of CTI.* Under paragraph (b)(2)(iii)(B)(*1*) of this section, S's $50 ordinary loss first offsets $50 of P's $200 capital gain. Therefore, after the absorption of S's loss equal to its absorbed amount, the group will have $150 ($200 − $50) of remaining capital gain. Because P has no net stock gain to be added to the computation, paragraph (b)(2)(iii)(B)(*2*) of this section is inapplicable. Under paragraph (b)(2)(iii)(B)(*3*) of this section, $150 of P's $450 loss on S's stock (the lesser of P's $200 capital gain or the group's $150 remaining capital gain) offsets the group's remaining $150 of capital gain. Because there is no more income in the group for M's loss to offset, the amount under paragraph (b)(2)(iii)(B)(*4*) of this section is zero. Therefore, P's remaining unused capital loss on S's stock of $300 and M's $25 ordinary loss become carryovers to the group's Year 2 consolidated return year.

Example 9. Worthless Stock Loss. (i) *Facts.* At the beginning of Year 1, P has a $120 basis in S's stock. For Year 1, P has $100 of ordinary income (determined without taking into account P's gain or loss on the disposition of S's stock) and S generates an $80 ordinary loss. At the close of Year 1, S issues stock to its creditors in a bankruptcy proceeding, and P's stock in S is canceled. The aggregate of S's historic gross receipts meets the requirements of section 165(g)(3)(B), which allows P to claim an ordinary loss with respect to S's stock.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption under § 1.1502–32(b)(2) on P's basis in S's stock, the group's CTI is computed without taking into account P's gain or loss from the disposition of S's stock. Under that computation, S's $80 ordinary loss would offset $80 of P's $100 of ordinary income. Accordingly, S's absorbed amount

under paragraph (b)(2)(i) of this section is $80.

(iii) *Basis reduction and computation of CTI under generally applicable rules.* Under paragraph (b)(2)(ii) of this section, S's $80 absorbed amount reduces P's basis in S's stock from $120 to $40. Therefore, P's worthless stock deduction with respect to S's stock is $40. In an actual computation of CTI, P's separate taxable income under § 1.1502–12 would be determined by offsetting P's $100 of ordinary income with its $40 worthless stock deduction with respect to S's stock, leaving $60 of ordinary income that would be offset by S's ordinary loss. However, that computation would result in the absorption of only $60 of S's losses. Because less than all of S's absorbed amount of $80 would be used, the group's CTI is determined under the alternative computation of paragraph (b)(2)(iii)(B) of this section.

(iv) *Alternative computation of CTI.* Under paragraph (b)(2)(iii)(B)(*1*) of this section, S's $80 ordinary loss first offsets $80 of P's $100 of ordinary income. Therefore, after the absorption of S's loss equal to its absorbed amount, the group will have $20 of remaining ordinary income. Because P has no net stock gain to be added to the computation, the amount under paragraph (b)(2)(iii)(B)(*2*) of this section is zero. Under paragraph (b)(2)(iii)(B)(*3*) of this section, the group uses $20 of P's $40 ordinary loss on S's stock to offset the remaining $20 income of the group. Because there remains no more income in the group, the amount under paragraph (b)(2)(iii)(B)(*4*) of this section is zero. P's remaining $20 ordinary loss becomes a CNOL carryover to the group's Year 2 consolidated return year.

Example 10. Charitable Contributions. (i) *Facts.* At the beginning of Year 1, P has a $1,000 basis in S's stock. P sells all of its S stock for $900 at the close of Year 1. For Year 1, P has $1,000 of ordinary income (determined without taking into account P's gain or loss on the disposition of S's stock). For Year 1, S makes a $100 charitable contribution and incurs $200 of ordinary and necessary business expenses that are deductible under section 162(a). In addition, P has a subsidiary M, which also makes a $100 charitable contribution.

(ii) *Determination of S's portion of consolidated charitable contributions deduction.* Under § 1.1502–24(a), a group's consolidated charitable contributions deduction is limited to ten percent of its adjusted consolidated taxable income as defined in § 1.1502–24(c). Under paragraph (b)(2)(iii)(D) of this section, S's portion of the group's consolidated charitable contributions deduction is determined by computing the group's taxable income without regard to P's gain or loss on S's stock. Thus, for purposes of determining the consolidated charitable contributions deduction for Year 1, the group's CTI would be $800 (P's $1,000 of income minus S's $200 of section 162 expenses). Accordingly, the consolidated charitable contributions deduction for Year 1 is limited to $80 ($800 × 10%), $40 attributable to S and $40 attributable to M. Accordingly, S's ordinary loss for Year 1 is $240 ($200 + $40).

(iii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's CTI is computed without taking into account P's gain or loss from the disposition of S's stock. S's $240 ordinary loss offsets $240 of P's $1,000 of ordinary income. Accordingly, S's absorbed amount is $240.

(iv) *Loss absorption and basis reduction.* Under paragraph (b)(2)(ii) of this section, S's $240 absorbed amount reduces P's basis in S's stock from $1,000 to $760. On the sale of S's stock, P recognizes capital gain of $140 ($900 − $760). P's ordinary income is offset by $240 of S's ordinary loss and $40 of M's portion of the group's consolidated charitable contributions deduction, resulting in CTI of $860 ($1,000 + $140 − $280). Of the group's excess charitable contributions of $120, $60 will be apportioned to S and carried to its first separate return year. The remaining $60 of excess consolidated charitable contributions is the group's consolidated charitable contribution carryover under § 1.1502–24(b).

Example 11. Application of Unified Loss Rule. (i) *Facts.* In Year 1, P purchases the sole share of S's stock for $500. At the time of the purchase, S owns Land with a basis of $420. During Year 1, P incurs a $100 ordinary loss and S earns $100 in rental income, which increases P's basis in S's stock to $600. For Year 2, P has ordinary income of $30 (determined without taking into account P's gain or loss from the disposition of S's stock) and S incurs an ordinary loss of $80. At the close of Year 2, S has $20 of cash in addition to Land. In addition to S, P has another subsidiary M, which has an ordinary loss of $40 for Year 2. At the close of Year 2, when the value of Land has declined, P sells the sole share of S's stock for $480. No election is made under § 1.1502–36(d)(6) to reduce P's basis in S's stock or reattribute S's attributes to P.

(ii) *Determination of absorbed amount.* To determine S's absorbed amount and the effect of the absorption of its losses under § 1.1502–32(b)(2) on P's basis in S's stock, the group's CTI is computed without taking into account P's gain or loss from the disposition of S's stock. Under paragraph (e)(1) of this section, P's $30 of ordinary income would be offset by $10 ($30 × $40/$120) of M's ordinary loss for Year 2 and $20 ($30 × $80/$120) of S's ordinary loss for Year 2. Accordingly, S's absorbed amount determined under paragraph (b)(2)(i) of this section is $20.

(iii) *Loss absorption and basis reduction.* Under paragraph (b)(2)(ii) of this section, S's $20 absorbed amount reduces P's basis in S's stock from $600 (P's $500 purchase price plus the $100 positive adjustment in Year 1) to $580. After taking into account the effects of all applicable rules of law, including paragraph (b)(2)(ii) of this section, P would recognize a $100 ($480 − $580) loss on the sale of S's stock. Thus, P's sale of the S share is a transfer of a loss share and therefore subject to § 1.1502–36. Under § 1.1502–36(b)(1)(ii), P's basis in its sole share of S's stock is not subject to redetermination. Under § 1.1502–36(c), P's basis in the S share ($580) is reduced, but not below value, by the lesser of the share's net positive adjustment and disconformity amount. The share's net positive adjustment is the greater of zero and the sum of all investment adjustments (as defined in § 1.1502–36(b)(1)(iii)) applied to the basis of the share. The net positive adjustment applied to the basis of the share is $80, S's $100 income for Year 1 and its $20 absorbed amount for Year 2. The share's disconformity amount is the excess, if any, of its basis ($580) over its allocable portion of S's net inside attribute amount. S's net inside attribute amount of $500 is the sum of S's $20 cash, S's basis in Land of $420, and S's $60 loss carryover ($80 − $20). Thus, the share's disconformity amount is $80 ($580 − $500). The lesser of the net positive adjustment ($80) and the share's disconformity amount ($80) is $80. Accordingly, under § 1.1502–36(c), P's basis in S's share is reduced by $80 from $580 to $500, and after taking into account the adjustments under paragraphs (b) and (c) of § 1.1502–36, the transferred S share is still a loss share ($480 sale price minus $500 basis).

(iv) *Computation of CTI.* In an actual computation of CTI, P's $30 of ordinary income would be offset on a pro rata basis by $20 ($30 × $40/$60) of M's ordinary loss and $10 ($30 × $20/$60) of S's ordinary loss. Because less than all of S's absorbed amount of $20 would be used, the group's CTI is determined under the alternative computation of paragraph (b)(2)(iii)(B) of this section. Under paragraph (b)(2)(iii)(B)(*1*) of this section, the computation of CTI is made by first computing the group's taxable income without taking into account P's loss on the disposition of S's stock and using only S's loss equal to its $20 absorbed amount. Accordingly, the group's $30 of ordinary income is reduced by $20 of S's ordinary loss, leaving $10 of remaining ordinary income. Because P has no net stock gain to be added to the computation, paragraph (b)(2)(iii)(B)(*2*) of this section is inapplicable. Under paragraph (b)(2)(iii)(B)(*3*) of this section, the group's remaining $10 of ordinary income is offset by a loss on the disposition of subsidiary stock, subject to applicable principles of the Code and regulations. The group's remaining $10 of income may not be offset by P's capital loss on the sale of S's stock, because P has no income of the same character on its loss on S's stock. Under paragraph (b)(2)(iii)(B)(*4*) of this section, the group's remaining $10 of ordinary income is offset by $10 of M's ordinary loss. M's $30 unabsorbed loss is carried over as a CNOL and P's remaining $20 capital loss from the sale of S's stock is carried over as a consolidated net capital loss to the group's Year 3 consolidated return year. S's $60 unused loss would be carried over to its separate return year subject to § 1.1502–36(d). Under § 1.1502–36(d)(2), S's attributes are reduced by S's attribute reduction amount. Under § 1.1502–36(d)(3), S's attribute reduction amount is the lesser of the net stock loss and S's aggregate inside loss. The net stock loss is $20, the excess of the $500 basis of the transferred share over the $480 value of the transferred share. S's aggregate inside loss is $20, the excess of its $500 net inside attribute amount over the $480 value of the S share. Therefore, the attribute reduction amount is $20, the lesser

of the $20 net stock loss and the $20 aggregate inside loss. Accordingly, S's $20 attribute reduction amount is applied to reduce from $60 to $40 the amount of S's NOL carryover to its separate return year.

(v) *Election to reduce stock basis.* The facts are the same as in paragraph (i) of this *Example 11* except that P elects under § 1.1502–36(d)(6)(i)(B) to reattribute S's losses to the full extent of the attribute reduction amount ($20). Accordingly, P is treated as succeeding to $20 of S's losses as if acquired in a transaction described in section 381(a) (see § 1.1502–36(d)(6)(i)(B) and (iv)(A)) and, as a result, P's basis in the S share is reduced from $500 to $480. After giving effect to the election, P will have no loss on S's stock, the group will have a $50 CNOL carryover to Year 3 ($30 attributable to M and $20 attributable to P), and S will have a $40 NOL carryover to its separate return year.

(3) *Effective/applicability date.* This paragraph (b) applies to dispositions of subsidiary stock occurring in consolidated return years beginning on or after the date these regulations are published as final regulations in the **Federal Register**.

(c) * * *

(2) * * *

(i) *Limitation on deductions and losses to offset income or gain.* First, the determination of the extent to which S's deductions and losses for the consolidated return year of the disposition (and its deductions and losses carried over from prior years) may offset income and gain is made pursuant to paragraph (b)(2) of this section.

(ii) *Tentative adjustment of stock basis.* Second, § 1.1502–32 is tentatively applied to adjust the basis of the S stock to reflect the amount of S's income and gain included, and S's absorbed amount of losses, in the computation of consolidated taxable income or loss for the year of disposition (and any prior years) that is made pursuant to paragraph (b)(2) of this section, but not to reflect the realization of excluded COD income and the reduction of attributes in respect thereof.

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(4) *Definition of lower-tier corporation.* For purposes of this paragraph (c), lower-tier corporation means a lower-tier subsidiary described in § 1.1502–36(f)(4).

* * * * *

(7) *Effective/applicability date.* * * * However, paragraphs (c)(2) and (4) of this section apply to consolidated return years beginning on or after the date these regulations are published as final regulations in the **Federal Register**.

* * * * *

(e) *Absorption rule*—(1) *Pro rata absorption of ordinary losses.* If the group has a CNOL for a consolidated return year, the amount of each member's separate net operating loss, as defined in § 1.1502–21(b)(2)(iv)(B)(*1*), for the year that offsets the income or gain of other members is determined on a pro rata basis under the principles of § 1.1502–21(b)(2)(iv). For example, if, for the consolidated return year, P and S1 have a separate net operating loss of $60 and $30, respectively, and S2 (the only other member of the P group) has $21 of income, $14 of P's net operating loss and $7 of S1's net operating loss offset S2's $21 of income and are absorbed in the year.

(2) *Pro-rata absorption of capital losses.* If the group has a consolidated net capital loss for a consolidated return year and any member has capital gain net income for the year (taking into account only its capital gains and losses), the amount of each member's capital loss (as defined in paragraph (b)(1) of this section) that offsets the sum of the capital gain net income of other members (computed separately for each member) is determined on a pro rata basis under the principles of § 1.1502–21(b)(2)(iv). For purposes of this paragraph (e)(2), the character of each member's gains and losses is first determined on a consolidated basis. See §§ 1.1502–22 and 1.1502–23.

(3) *Effective/applicability date.* This paragraph (e) applies to consolidated return years beginning on or after the date these regulations are published as final regulations in the **Federal Register**.

■ **Par. 3.** Section 1.1502–12 is amended by:

■ 1. Revising paragraphs (b) and (e).

■ 2. Removing and reserving paragraph (m).

The revisions read as follows:

§ 1.1502–12 Separate taxable income.

* * * * *

(b) Any deduction that is disallowed under § 1.1502–15 shall be taken into account as provided in that section;

* * * * *

(e) If a member disposes of a share of a subsidiary's stock, the member's deduction or loss (if any) on the stock that will be used in the consolidated return year of the disposition and as a carryback to prior years is computed in accordance with § 1.1502–11(b) or (c), as appropriate.

* * * * *

(m) [Reserved]

* * * * *

■ **Par. 4.** Section 1.1502–21 is amended by:

■ 1. Revising paragraph (b)(2)(iv)(B).

■ 2. Adding paragraphs (b)(3)(vi) and (h)(1)(iv).

The revision and additions read as follows:

§ 1.1502–21 Net operating losses.

* * * * *

(b) * * *

(2) * * *

(iv) * * *

(B) *Percentage of CNOL attributable to a member*—(*1*) *In general.* Except as provided in paragraph (b)(2)(iv)(B)(*2*) of this section, the percentage of the CNOL attributable to a member shall equal the separate net operating loss of the member for the consolidated return year divided by the sum of the separate net operating losses of all members having such losses for that year. For this purpose, the separate net operating loss of a member is determined by computing the CNOL by reference to only the member's items of income, gain, deduction, and loss (excluding capital gains and amounts treated as capital gains), including the member's losses and deductions actually absorbed by the group in the consolidated return year (whether or not absorbed by the member).

(*2*) *Recomputed percentage.* If, for any reason, a member's portion of a CNOL is absorbed or reduced on a non pro rata basis (for example, under §§ 1.1502–11(b) or (c), 1.1502–28, 1.1502–36(d), or as the result of a carryback to a separate return year), the percentage of the CNOL attributable to each member is recomputed. In addition, if a member with a separate net operating loss ceases to be a member, the percentage of the CNOL attributable to each remaining member is recomputed under paragraph (b)(2)(iv)(B)(*1*) of this section. The recomputed percentage of the CNOL attributable to each member shall equal the remaining CNOL attributable to the member at the time of the recomputation divided by the sum of the remaining CNOL attributable to all of the remaining members at the time of the recomputation.

* * * * *

(3) * * *

(vi) *Amount of subsidiary's absorbed deductions and losses if subsidiary's stock is disposed of.* For special rules regarding the amount of a subsidiary's deductions and losses that is absorbed if a member disposes of a share of the subsidiary's stock, see § 1.1502–11(b) and (c).

* * * * *

(h) * * *

(1) * * *

(iv) Paragraphs (b)(2)(iv)(B) and (b)(3)(vi) of this section apply to consolidated return years beginning on or after the date these regulations are

published as final regulations in the **Federal Register**.

* * * * *

§ 1.1502–21A [Removed]

■ **Par. 5.** Section 1.1502–21A is removed.

■ **Par. 6.** Section 1.1502–22 is amended by:

■ 1. Revising paragraphs (a)(2) and (3).

■ 2. Adding paragraph (a)(4).

The revisions and addition read as follows:

§ 1.1502–22 Consolidated capital gain and loss.

* * * * *

(a) * * *

(2) The consolidated net section 1231 gain for the year (determined under § 1.1502–23);

(3) The net capital loss carryovers or carrybacks to the year; and

(4) Applying the ordering rules of § 1.1502–11(b) if stock of a subsidiary is disposed of.

* * * * *

§ 1.1502–22A [Removed]

■ **Par. 7.** Section 1.1502–22A is removed.

§ 1.1502–23A [Removed]

■ **Par. 8.** Section 1.1502–23A is removed.

§ 1.1502–24 [Amended]

■ **Par. 9.** Section 1.1502–24 is amended by:

■ 1. Removing the words ''Five percent'' in paragraph (a)(2) and adding ''The percentage limitation on the total charitable contribution deduction provided in section 170(b)(2)(A)'' in its place.

■ 2. Removing ''section 242,'' and ''§ 1.1502–25,'' in paragraph (c).

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 10.** The authority citation for part 301 is amended by revising the entry for § 301.6402–7 to read in part as follows:

Authority: 26 U.S.C. 7805.

* * * * *

Section 301.6402–7 also issued under 26 U.S.C. 6402(k).

* * * * *

■ **Par. 11.** Section 301.6402–7 is amended by revising the last sentence of paragraph (g)(2)(ii) and paragraph (l) to read as follows:

§ 301.6402–7 Claims for refund and applications for tentative carryback adjustments involving consolidated groups that include insolvent financial institutions.

* * * * *

(g) * * *

(2) * * *

(ii) * * * For this purpose, the separate net operating loss of a member is determined by computing the consolidated net operating loss by reference to only the member's items of income, gain, deduction, and loss (excluding capital gains and amounts treated as capital gains), including the member's losses and deductions actually absorbed by the group in the consolidated return year (whether or not absorbed by the member).

* * * * *

(l) *Effective/applicability dates.* This section applies to refunds and tentative carryback adjustments paid after December 30, 1991. However, the last sentence of paragraph (g)(2)(ii) of this section applies to separate net operating losses of members incurred in consolidated return years beginning on or after the date these regulations are published as final regulations in the **Federal Register**.

John M. Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2015–13982 Filed 6–10–15; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0358; FRL–9928–89–Region–7]

Approval and Promulgation of Air Quality Implementation Plans; Iowa; Grain Vacuuming Best Management Practices (BMPs) and Rescission Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Iowa to amend Best Management Practices (BMPs) for grain vacuuming operations at Group 1 grain elevators. Additional revisions to the SIP include revised definitions, revised requirements for Department forms, and rescinding rule requirements and references for conditional permits.

DATES: Comments on this proposed action must be received in writing by July 13, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2015–0358, by mail to Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7039, or by email at *Hamilton.heather@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the Technical Support Document that is part of this rulemaking docket. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

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

Dated: May 28, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

[FR Doc. 2015–14088 Filed 6–10–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0246; FRL–9928–10–Region 9]

Revisions to the California State Implementation Plan, Butte County Air Quality Management District, Feather River Air Quality Management District, and San Luis Obispo County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Butte County Air Quality Management District (BCAQMD), Feather River Air Quality Management District (FRAQMD), and San Luis Obispo County Air Pollution Control District (SLOCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern emission statements, definitions and mobile equipment coating. We are proposing to 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 July 13, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0246, 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 the 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 the EPA, your email address will be automatically captured and included as part of the public comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should 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: BCAQMD Rule 101, BCAQMD Rule 434, FRAQMD Rule 3.19 and SLOCAPCD Rule 222. In the Rules and Regulations section of this **Federal Register**, we are approving these 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: May 8, 2015.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2015–14077 Filed 6–10–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2014–0064; FF09M21200–156–FXMB1231099BPP0]

RIN 1018–BA67

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations for the 2015–16 Hunting Season; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 2015–16 hunting season. This supplement to the proposed rule provides the regulatory schedule, announces the Service Migratory Bird Regulations Committee and Flyway Council meetings, and provides Flyway Council recommendations resulting from their March meetings.

DATES: *Comments:* You must submit comments on the proposed regulatory alternatives for the 2015–16 duck hunting seasons on or before June 26, 2015, as detailed in the proposed rule published in the **Federal Register** on April 13, 2015 (80 FR 19852). Following subsequent **Federal Register** notices, you will be given an opportunity to submit comments for proposed early-season frameworks by July 29, 2015, and for proposed late-season frameworks by August 29, 2015.

Meetings: The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for early-season migratory bird hunting on June 24 and 25, 2015; and for late-season migratory bird hunting and the 2015 spring/summer Alaskan migratory bird subsistence season on July 29 and 30, 2015. All meetings will commence at approximately 8:30 a.m. and are open to the public.

ADDRESSES: *Comments:* You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2014–0064.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2014–0064; Division of Policy, Performance, and Management

Programs; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041.

We will not accept emailed or faxed comments. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section, below, for more information).

Meetings: The Service Migratory Bird Regulations Committee will meet at the U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, Virginia.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel at: Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS:MB, 5275 Leesburg Pike, Falls Church, VA 22041; (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2015

On April 13, 2015, we published in the **Federal Register** (80 FR 19852) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. We will publish proposed early-season frameworks in early July and late-season frameworks in early August. We will publish final regulatory frameworks for early seasons on or about August 15, 2015, and for late seasons on or about September 19, 2015.

Service Migratory Bird Regulations Committee Meetings

The Service Migratory Bird Regulations Committee (SRC) will meet June 24–25, 2015, to review information on the current status of migratory shore and upland game birds and develop 2015–16 migratory game bird regulations recommendations for these species, plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands. The SRC will also develop regulations recommendations for September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, the SRC will review and discuss preliminary information on the status of waterfowl.

At the July 29–30, 2015, meetings, the SRC will review information on the current status of waterfowl and develop 2015–16 migratory game bird regulations recommendations for regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In addition, the SRC will develop recommendations for the 2016 spring/summer migratory bird subsistence season in Alaska.

In accordance with Departmental policy, these meetings are open to public observation. You may submit written comments to the Service on the matters discussed.

Announcement of Flyway Council Meetings

Service representatives will be present at the individual meetings of the four Flyway Councils this July. Although agendas are not yet available, these meetings usually commence at 8 a.m. on the days indicated and are also open to the public.

Atlantic Flyway Council: July 23–24, Hilton Albany, Albany, NY.

Mississippi Flyway Council: July 23–24, Doubletree Hotel, New Orleans, LA.

Central Flyway Council: July 23–24, Best Western GranTree Inn, Bozeman, MT.

Pacific Flyway Council: July 24, Whitney Peak Hotel, Reno, NV.

Review of Public Comments

This supplemental rulemaking describes Flyway Council recommended changes based on the preliminary proposals published in the April 13, 2015, **Federal Register**. We have included only those recommendations requiring either new proposals or substantial modification of the preliminary proposals and do not include recommendations that simply support or oppose preliminary proposals and provide no recommended alternatives. Our responses to some Flyway Council recommendations, but not others, are merely a clarification to aid the reader on the overall regulatory process, not a definitive response to the issue. We will publish responses to all proposals and written comments when we develop final frameworks.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items identified in the April 13, 2015, proposed rule. Only those categories requiring your attention or for which we received Flyway Council recommendations are discussed below.

1. Ducks

Duck harvest management categories are: (A) General Harvest Strategy; (B) Regulatory Alternatives, including specification of framework dates, season length, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management.

A. General Harvest Strategy

Council Recommendations: The Mississippi Flyway Council recommended that regulations changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

Service Response: As we stated in the April 13, 2015, **Federal Register**, the final adaptive harvest management (AHM) protocol for the 2015–16 season will be detailed in the early-season proposed rule, which will be published in mid-July.

B. Regulatory Alternatives

Council Recommendations: The Mississippi and Central Flyway Councils recommended that regulatory alternatives for duck hunting seasons remain the same as those used in 2014–15.

Service Response: As we stated in the April 13, 2015, **Federal Register**, the final regulatory alternatives for the 2015–16 season will be detailed in the early-season proposed rule, which will be published in mid-July.

C. Zones and Split Seasons

Council Recommendations: The Mississippi and Central Flyway Councils recommended no changes to the existing zone and split season guidelines. However, they further recommended that States be provided the option of changing duck zones and split arrangements in either the 2016–17 or 2017–18 seasons, with the next open season in 2021 for the 2021–25 period.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Pacific Flyway Council recommended increasing season length from 7 to 15 days and the daily bag limit from 2 to 5 for Canada geese in Idaho.

B. Regular Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons be September 16, 2015, in the Lower Peninsula of Michigan and Wisconsin, and September 11, 2015, in the Upper Peninsula of Michigan.

6. Brant

For the 2015–16 Atlantic brant season, we will continue to use the existing Flyway Cooperative Management Plan for this species to determine the appropriate hunting regulations. However, as we discuss below, the process for determining regulations for the 2016–17 season will need to be modified. In the April 30, 2014 (79 FR 24512), and the April 13, 2015 (80 FR 19852), **Federal Registers**, we discussed how, under the new regulatory process, the current early- and late-season regulatory actions will be combined into a new single process beginning with the 2016–17 seasons. Regulatory proposals will be developed using biological data from the preceding year(s), model predictions, or most recently accumulated data that are available at the time the proposals are being formulated. Individual harvest strategies will be modified using data from the previous year(s) because the current year's data would not be available for many of the strategies. Further, we stated that, during this transition period, harvest strategies and prescriptions would be modified to fit into the new regulatory schedule. Atlantic brant is one such species that will require some modifications to the regulatory process that we have largely used since 1992 to establish the annual frameworks.

In developing the annual proposed frameworks for Atlantic brant in the past, the Atlantic Flyway Council and the Service used the number of brant counted during the Mid-winter Waterfowl Survey (MWS) in the Atlantic Flyway, and took into consideration the brant population's expected productivity that summer. The MWS is conducted each January, and expected brant productivity is based on early-summer observations of breeding habitat conditions and nesting effort in important brant nesting areas. Thus, the data under consideration were available before the annual Flyway and SRC decision-making meetings took place in late July. Although the existing regulatory alternatives for Atlantic brant were developed by factoring together long-term productivity rates (observed during November and December productivity surveys) with estimated observed harvest under different framework regulations, the primary decision-making criterion for selecting the annual frameworks was the MWS count.

In the April 13, 2015, **Federal Register**, we presented the major steps in the 2016–17 regulatory cycle relating to biological information availability, open public meetings, and **Federal Register** notifications. Under the new regulatory schedule due to be implemented this fall and winter for the 2016–17 migratory bird hunting regulations, neither the expected 2016 brant production information (available summer 2016) nor the 2016 MWS count (conducted in January 2016) will be available this October, when the decisions on proposed Atlantic brant frameworks for the 2016–17 seasons must be made. However, the 2016 MWS will be completed and winter brant data available by the expected publication of the final frameworks (late February 2016). Therefore, while we plan to discuss this issue with the Atlantic Flyway Council this summer, we envision proposing frameworks for Atlantic brant in 2016–17 similar to the ones laid out below, with the final decision to be determined by the 2016 MWS count:

If the MWS count is <100,000 Atlantic brant, the season will be closed.

If the MWS count is between 100,000 and 125,000 brant, States may select a 30-day season between the Saturday nearest September 24 and January 31, with a 2-bird daily bag limit. States may split their seasons into 2 segments.

If the MWS count is between 125,000 and 150,000 brant, States may select a 50-day season between the Saturday nearest September 24 and January 31, with a 2-bird daily bag limit. States may split their seasons into 2 segments.

If the MWS count is between 150,000 and 200,000 brant, States may select a 60-day season between the Saturday nearest September 24 and January 31, with a 2-bird daily bag limit. States may split their seasons into 2 segments.

If the MWS count is >200,000 brant, States may select a 60-day season between the Saturday nearest September 24 and January 31, with a 3-bird daily bag limit. States may split their seasons into 2 segments.

While only an illustration at this point, the example prescriptive regulatory frameworks listed above are identical to those contained in the Atlantic Flyway Council's current Atlantic brant hunt plan (2011), with the exception of considering expected brant production. However, at this time our new regulatory schedule will likely preclude any formal consideration of the brant population's expected productivity in the summer. While something similar to this process would be a slight change to the existing mechanics of the Atlantic brant hunt plan, we believe it would have no significant effects on the long-term conservation of the Atlantic brant resource. We look forward to continuing discussions and work on the Atlantic brant issue with the Atlantic Flyway Council this summer in preparation for the 2016–17 season.

For a more detailed discussion of the various technical aspects of the new regulatory process, we refer the reader to the 2013 Supplementary Environmental Impact Statement available on our Web site at *http://www.fws.gov/migratorybirds.*

8. Swans

Council Recommendations: The Atlantic, Mississippi, and Central Flyway Councils recommended increasing tundra swan permit numbers by 25 percent (2,400 permits) for the 2015–16 season, if the final 3-year running average mid-winter count exceeds 110,000 Eastern Population tundra swans, in accordance with the Eastern Population tundra swan management plan.

9. Sandhill Cranes

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that Kentucky be granted an operational sandhill crane hunting season beginning in 2015 following the guidelines established in the Eastern Population of Sandhill Cranes Management Plan (EP Management Plan). Kentucky's operational season would consist of a maximum season length of 60 days (with no splits) to be held between September 1 and January 31, with a daily bag limit of 2 birds, and a season limit of 3 birds. Hunting would occur between sunrise and sunset. Per the guidelines set forth in the EP Management Plan, and based on the state's 5-year peak average of 12,072 birds, Kentucky would be allowed to issue a maximum of 1,207 tags during the 2015–16 season. These permits would be divided among 400 permitted hunters. Hunters would be required to take mandatory whooping crane identification training, utilize Service-approved nontoxic shot shells, tag birds, report harvest daily via Kentucky's reporting system, and complete a post-season survey.

The Central and Pacific Flyway Councils recommended using the Rocky Mountain Population (RMP) sandhill crane harvest allocation of 938 birds as proposed in the allocation formula using the 3-year running population average for 2012–14. The Councils also recommended that, under the new annual regulatory process beginning with the 2016–17 season, the harvest strategy described in the Pacific and Central Flyway Management Plan for RMP sandhill cranes be published in the

proposed season frameworks and be used to determine allowable harvest. They recommended that the final allowable harvest each year be included in the final season frameworks published in February.

The Pacific Flyway Council recommended some minor changes to the hunt area boundaries in Idaho to simplify and clarify hunt area descriptions. More specifically, Area 5 would now include all of Franklin County and Area 1 would include all of Caribou County except that portion lying within the Grays Lake Basin.

Service Response: Regarding the RMP crane harvest and the new regulatory process, this issue is very similar to the Atlantic brant issue discussed above under 6. Brant. Currently, results of the fall survey of RMP sandhill cranes, upon which the annual allowable harvest is based, will continue to be released between December 15 and January 31 each year, which is after the date for which proposed frameworks will be formulated. If the usual procedures for determining allowable harvest were used, data 2–4 years old would be used to determine the annual allocation for RMP sandhill cranes. Due to the variability in fall survey counts and recruitment for this population, and their impact on the annual harvest allocations, we agree that relying on data that is 2–4 years old is not ideal. Thus, we look forward to continuing discussions and work on the RMP crane issue with the Central and Pacific Flyway Councils this summer in preparation for the 2016–17 season.

11. Moorhens and Gallinules

Council Recommendations: The Atlantic Flyway Council recommended allowing the hunting of purple swamphens in Florida beginning in 2015. They recommended that hunting be allowed during any open waterfowl season and that all regulations in 50 CFR 20 subparts C and D would apply. Further, they recommended a daily bag limit of 25 birds, with a possession limit of 75. They also recommended that we exclude this species from monitoring programs.

15. Band-Tailed Pigeons

Council Recommendations: The Central and Pacific Flyway Councils recommended decreasing the season length for the Interior Population of band-tailed pigeons from 30 days to 14 days, and decreasing the bag limit from 5 to 2.

16. Mourning Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprising a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommend the use of the ''standard'' season package of a 15-bird daily bag limit and a 70-day season for the 2015–16 mourning dove season in the States within the Central Management Unit.

The Pacific Flyway Council recommended use of the ''standard'' season framework for States in the Western Management Unit (WMU) population of doves. In Idaho, Nevada, Oregon, Utah, and Washington, the season length would be no more than 60 consecutive days with a daily bag limit of 15 mourning and white-winged doves in the aggregate. In Arizona and California, the season length would be no more than 60 consecutive days, which could be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit would be 15 mourning doves. In California, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

The Central Flyway Council also recommended that the Service adopt a new ''standard'' season package framework comprising a 90-day season and 15-bird daily bag limit for States within the Central Management Unit beginning with the 2016–17 hunting season.

17. Alaska

Council Recommendations: The Pacific Flyway Council recommended several changes in the Alaska early-season frameworks. Specifically, they recommended:

1. In Unit 18, in western Alaska, increasing white-fronted geese daily bag and possession limits from 8 and 24, to 10 and 30, respectively.

2. For Canada geese in Units 6–B, 6–C, and on Hinchinbrook and Hawkins Islands in Unit 6–D, increasing the possession limit from two times to three times the daily bag limit.

Public Comments

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments we receive. Such comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**. We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the proposed rule; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our April 13, 2015, proposed rule (80 FR 19852):

- National Environmental Policy Act;

- Endangered Species Act;
- Regulatory Planning and Review;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12988, 13175, 13132, and 13211.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Authority

The rulemaking outlined in the proposed rule published in the **Federal Register** on April 13, 2015 (80 FR 19852) and in this supplemental notice of proposed rulemaking, proposed to be promulgated for the 2015–16 hunting season, is authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: June 2, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–14128 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 80, No. 112
Thursday, June 11, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0038]

Best Practices Guidance for Controlling Listeria monocytogenes in Retail Delicatessens

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of its updated ''Best Practices Guidance for Controlling *Listeria monocytogenes* (*Lm*) in Retail Delicatessens'' and responding to comments received on the guidance that FSIS posted on its Web site and announced in April 2014 in the **Federal Register**. The best-practices guidance discusses steps that retailers can take to prevent certain ready-to-eat (RTE) foods that are prepared or sliced in retail delicatessens (delis) and consumed in the home, such as deli meats and deli salads, from becoming contaminated with *Lm* and thus a source of listeriosis. FSIS encourages retailers to review the guidance and evaluate the effectiveness of their retail practices and intervention strategies in reducing the risk of listeriosis to consumers from RTE meat and poultry deli products.

FOR FURTHER INFORMATION CONTACT: Daniel Engeljohn, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495, or by Fax: (202) 720–2025.

SUPPLEMENTARY INFORMATION:

Background

Lm is a bacterium that is found in moist environments, soil, and decaying vegetation and can persist along the food continuum. Transfer of the bacterium from the environment (*e.g.,* deli cases, slicers, and utensils), employees, or contaminated food products is a particular hazard of concern in RTE foods, including meat and poultry products, because they generally receive no further processing for food safety before consumption. Listeriosis is a serious infection usually caused by eating food contaminated with *Lm.*

On April 21, 2014, FSIS announced the availability of its ''Best Practices Guidance for Controlling Listeria monocytogenes (Lm) in Retail Delicatessens'' and requested comment on the guidance (79 FR 22082). As explained in the 2014 **Federal Register** notice, FSIS used the key findings from the FSIS and Food and Drug Administration (FDA) ''Interagency Risk Assessment—*Listeria monocytogenes* in Retail Delicatessens'' available on FSIS's Web site at *http://www.fsis.usda.gov/wps/portal/fsis/topics/science/risk-assessments,* the available scientific knowledge, the 2013 FDA Food Code,[1] and lessons learned from controlling *Lm* in FSIS-inspected meat and poultry processing establishments to develop the Best Practices Guidance for Controlling *Lm* in Retail Delis. The guidance provides practical recommendations that retailers can use to control *Lm* contamination and outgrowth in the deli. Retailers can use the best-practices guidance to help ensure that RTE meat and poultry products in the deli area are handled under sanitary conditions and are not adulterated under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) or the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) (*see* 21 U.S.C. 623(d) and 464(e)). While these practices are specifically designed to control *Lm,* they also may help control other foodborne pathogens that may be introduced into the retail deli environment and other facilities where consumers take possession of food.

Final Guidance

The final guidance is posted at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/compliance-guides-index.*

FSIS updated the guidance to replace the previous version of the document which was issued and announced in the **Federal Register** (79 FR 22082, April 21, 2014). FSIS updated this guidance based on comments received during the public comment period which closed on June 20, 2014. FSIS made the following changes to the guidance in response to comments: Clarified that food processing equipment should be disassembled during cleaning and sanitizing, added a recommendation that retailers scrub surfaces during cleaning to prevent biofilm formation, and clarified that retailers should rotate (change) sanitizers to help prevent *Lm* from establishing niches in the environment and forming biofilms. The response to comments section below contains a more detailed summary of the comments and FSIS's responses to those comments. Although comments will no longer be accepted through *www.regulations.gov* on this guidance document, FSIS will update this document as necessary should new information become available.

Response to Comments

FSIS received six comments on the ''FSIS Best Practices Guidance for Controlling *Lm* in Retail Delicatessens'' (FSIS Retail *Lm* Guideline). The comments were from a meat-processing company, a trade organization that represents retail stores, two companies that provide sanitation services, one company that produces antimicrobial agents, and one trade organization that represents meat-processing companies. The following is a summary of the comments that were received and FSIS's responses to the comments.

Comment: Several commenters supported FSIS issuing the Retail *Lm* Guideline and recommended that FSIS issue other guidelines that retailers and food service operators can use. One commenter stated that the hazard of *Lm* does not change with production at a smaller facility and recommended that delis use the FSIS Compliance Guideline: ''Controlling *Lm* in Post-lethality Exposed Ready-to-Eat Meat and Poultry Products'' (FSIS *Listeria* Guideline). The FSIS *Listeria* Guideline is posted at *http://www.fsis.usda.gov/wps/wcm/connect/d3373299-50e6-47d6-a577-e74a1e549fde/Controlling-Lm-RTE-Guideline.pdf?MOD=AJPERES.*

[1] The FDA 2013 Food Code is a model to assist food control jurisdictions at all levels of the government by providing them with a scientifically sound technical and legal basis for regulating food service, retail food stores, or food vending operations. For additional information on the FDA Food Code visit the FDA Web site at *http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm.*

Response: FSIS agrees that it is important to provide guidance for retailers and may issue additional guidelines as needed. While the FSIS *Listeria* Guideline for industry discussed in the preceding paragraph provides useful information about controlling *Lm* in federally inspected establishments, it does not provide information for deli operators. Because the requirements, processing conditions, and practices are different at retail than in processing facilities, issuing this separate guideline provides the specific information retailers can use to control *Lm* in the deli area.

Comment: Three commenters questioned whether the recommendation to rotate sanitizers to help prevent *Lm* from developing resistance to sanitizers and forming biofilms was necessary. One commenter stated that there is no scientific evidence that *Lm* develops resistance to sanitizers. The commenters recommended that retailers focus on removing the biofilm during the washing step and not the sanitizing step.

Response: Research has shown that *Lm* may become resistant to chlorine and other sanitizers,[2] and several industry guidelines recommend rotating sanitizers.[3] [4] [5] [6] Therefore, in the guidance, FSIS continues to recommend this practice to help prevent *Lm* from establishing niches in the environment and forming biofilms. FSIS agrees with the commenters that biofilm formation is a concern in the deli environment and should be addressed during the cleaning step. To address this concern, FSIS has added a new recommendation to scrub surfaces during cleaning to prevent biofilm formation.

Comment: One commenter recommended that FSIS compliance investigators treat the best practices as guidance and not regulatory requirements when performing in-commerce surveillance at retail. The commenter requested that FSIS instruct its compliance investigators that the best practices are recommendations and not requirements. The commenter also recommended that compliance investigators provide the retail store management with FSIS guidance and other guidance documents that are available if they determine that store management is not aware of *Listeria* control actions.

Response: FSIS agrees that the guidance represents FSIS's best practices recommendations and does not represent requirements that retailers must meet. FSIS issued instructions to its compliance investigators to make them aware that this guidance did not include requirements. FSIS is not aware of any instance in which compliance investigators have enforced FSIS guidance as though it were a regulatory requirement. FSIS is instructing its compliance investigators through training materials that they should inform retailers that the guidance is available on the FSIS Web site. Retailers are required by the FMIA and PPIA to maintain sanitary conditions and otherwise not produce adulterated or misbranded product. The guidance provides actions retailers can take to help ensure that they are meeting the requirements of the FMIA and PPIA. Retailers also should be aware that the recommendations in the guideline, especially those based on the 2013 FDA Food Code, may be requirements in State, local, or Tribal regulations.

Comment: One commenter stated that it is important to disassemble equipment when cleaning to find hard-to-reach areas where *Lm* can hide. The commenter stated that FSIS should amend the recommendation to clean and sanitize RTE food-processing equipment every four hours to include recommendations to disassemble the equipment during cleaning.

Response: FSIS agrees that it is important to disassemble equipment (*e.g.,* slicers) when cleaning every four hours as recommended by the 2013 FDA Food Code and has clarified this information in the guidance.

USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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[2] Folsom, JP and JF Frank. Chlorine resistance of *Listeria monocytogenes* biofilms and relationship to subtype, cell density, and planktonic cell chlorine resistance. Journal of Food Protection. Volume 69, number 6, pages 1292–1296, June 2006.

[3] Pennsylvania State University (Penn State), College of Agricultural Sciences, Agricultural Research and Cooperative Extension. Control of *Listeria monocytogenes* in Small Meat and Poultry Establishments, 2003.*http://extension.psu.edu/food/safety/other-topics/controlling-listeria/Cotrolling-Listeria-2.pdf/view* (Sampling for *Lm,* rotating sanitizers).

[4] FDA, Guidance for Industry: Control of *Listeria monocytogenes* in Refrigerated or Frozen Ready-To-Eat Foods; Draft Guidance, February, 2008. Found at: *http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/FoodProcessingHACCP/ucm073110.htm.*

[5] Food Safety Authority of Ireland. The Control and Management of *Listeria monocytogenes* Contamination of Food. 2005. Found at: *https://www.fsai.ie/WorkArea/DownloadAsset.aspx?id=1234.*

[6] Tompkin RB, Scott VN, Bernard DT, Sveum WH, and Gombas KS. 1999. Guidelines to prevent post-processing contamination from *Listeria monocytogenes.* Dairy, Food and Environmental Sanitation 19 (8): 551–562.

Done in Washington, DC, on June 8, 2015.

Alfred V. Almanza,

Acting Administrator.

[FR Doc. 2015–14330 Filed 6–10–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2015–0010]

International Standard-Setting Activities

AGENCY: Office of Food Safety, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (Codex), in accordance with section 491 of the Trade Agreements Act of 1979, as amended, and the Uruguay Round Agreements Act. This notice also provides a list of other standard-setting activities of Codex, including commodity standards, guidelines, codes of practice, and revised texts. This notice, which covers Codex activities during the time periods from June 1, 2014, to May 31, 2015, and June 1, 2015, to May 31, 2016, seeks comments on standards under consideration and recommendations for new standards.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to U.S. Department of Agriculture (USDA), FSIS, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.
- *Hand- or courier-delivered items:* Deliver to OPPD, RIMS, Docket Clearance Unit, Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2015–0010. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Please state that your comments refer to Codex and, if your comments relate to specific Codex committees, please identify the committee(s) in your comments and submit a copy of your comments to the delegate from that particular committee.

Docket: For access to background documents or comments received, visit the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700, between 8:00 a.m. and 4:30 p.m., Monday through Friday. A complete list of U.S. delegates and alternate delegates can be found in Attachment 2 of this notice.

FOR FURTHER INFORMATION CONTACT: Mary Frances Lowe, United States Manager for Codex, U.S. Department of Agriculture, Office of Food Safety, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700; telephone: (202) 205–7760; fax: (202) 720–3157; email: *USCodex@fsis.usda.gov.*

For information pertaining to particular committees, contact the delegate of that committee. Documents pertaining to Codex and specific committee agendas are accessible via the Internet at *http://www.codexalimentarius.org/meetings-reports/en/.* The U.S. Codex Office also maintains a Web site at *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius.*

SUPPLEMENTARY INFORMATION:

Background

The World Trade Organization (WTO) was established on January 1, 1995, as the common international institutional framework for the conduct of trade relations among its members in matters related to the Uruguay Round Trade Agreements. The WTO is the successor organization to the General Agreement on Tariffs and Trade (GATT). United States membership in the WTO was approved and the Uruguay Round Agreements Act (Uruguay Round Agreements) was signed into law by the President on December 8, 1994, Public Law 103–465, 108 Stat. 4809. The Uruguay Round Agreements became effective, with respect to the United States, on January 1, 1995. The Uruguay Round Agreements amended the Trade Agreements Act of 1979. Pursuant to section 491 of the Trade Agreements Act of 1979, as amended, the President is required to designate an agency to be ''responsible for informing the public of the sanitary and phytosanitary (SPS) standard-setting activities of each international standard-setting organization.'' (19 U.S. C. 2578) The main international standard-setting organizations are Codex, the World Organisation for Animal Health, and the International Plant Protection Convention. The President, pursuant to Proclamation No. 6780 of March 23, 1995 (60 FR 15845), designated the U.S. Department of Agriculture as the agency responsible for informing the public of the SPS standard-setting activities of each international standard-setting organization. The Secretary of Agriculture has delegated to the Office of Food Safety the responsibility to inform the public of the SPS standard-setting activities of Codex. The Office of Food Safety has, in turn, assigned the responsibility for informing the public of the SPS standard-setting activities of Codex to the U.S. Codex Office.

Codex was created in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the principal international organization for establishing standards for food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers, ensure fair practices in the food trade, and promote coordination of food standards work undertaken by international governmental and nongovernmental organizations. In the United States, U.S. Codex activities are managed and carried out by the United States Department of Agriculture (USDA); the Food and Drug Administration (FDA), Department of Health and Human Services (HHS); the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); and the Environmental Protection Agency (EPA).

As the agency responsible for informing the public of the SPS standard-setting activities of Codex, the Office of Food Safety publishes this notice in the **Federal Register** annually. Attachment 1 (Sanitary and Phytosanitary Activities of Codex) sets forth the following information:

1. The SPS standards under consideration or planned for consideration; and

2. For each SPS standard specified:

a. A description of the consideration or planned consideration of the standard;

b. Whether the United States is participating or plans to participate in the consideration of the standard;

c. The agenda for United States participation, if any; and

d. The agency responsible for representing the United States with respect to the standard.

TO OBTAIN COPIES OF THE STANDARDS LISTED IN ATTACHMENT 1, PLEASE CONTACT THE CODEX DELEGATE OR THE U.S. CODEX OFFICE.

This notice also solicits public comment on standards that are currently under consideration or planned for consideration and recommendations for new standards. The delegate, in conjunction with the responsible agency, will take the comments received into account in participating in the consideration of the standards and in proposing matters to be considered by Codex.

The U.S. delegate will facilitate public participation in the United States Government's activities relating to Codex Alimentarius. The U.S. delegate will maintain a list of individuals, groups, and organizations that have expressed an interest in the activities of the Codex committees and will disseminate information regarding U.S. delegation activities to interested parties. This information will include the status of each agenda item; the U.S. Government's position or preliminary position on the agenda items; and the time and place of planning meetings and debriefing meetings following Codex committee sessions. In addition, the U.S. Codex Office makes much of the same information available through its Web page, *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius.* If you would like to access or receive information about specific committees, please visit the Web page or notify the appropriate U.S. delegate or the U.S. Codex Office, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700 (*uscodex@fsis.usda.gov*).

The information provided in Attachment 1 describes the status of Codex standard-setting activities by the Codex Committees for the time periods from June 1, 2014, to May 31, 2015, and June 1, 2015, to May 31, 2016. Attachment 2 provides a list of U.S. Codex Officials (including U.S. delegates and alternate delegates). A list of forthcoming Codex sessions may be found at: *http://www.codexalimentarius.org/meetings-reports/en/.*

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on: June 8, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

Attachment 1

Sanitary and Phytosanitary Activities of Codex

Codex Alimentarius Commission and Executive Committee

The Codex Alimentarius Commission will convene for its 38th Session July 6–11, 2015, in Geneva, Switzerland. At that time, it will consider standards, codes of practice, and related matters forwarded to the Commission by the general subject committees, commodity committees, and regional coordinating committees for adoption as Codex standards and guidance. The Commission will also consider the implementation status of the Codex Strategic Plan, the management of the Trust Fund for the Participation of Developing Countries and Countries in Transition in the work of the Codex Alimentarius and a proposal for a successor initiative to the Trust Fund, papers prepared by the Secretariat on Codex Work Management and Functioning of the Executive Committee and Revitalization of the FAO/WHO Coordinating Committees, as well as financial and budgetary issues.

Prior to the Commission meeting, the Executive Committee will meet at its 17th Session, June 30–July 3, 2015. It is composed of the chairperson; vice-chairpersons; seven members elected from the Commission from each of the following geographic regions: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and South-West Pacific; and regional coordinators from the six regional committees. Canada is the elected representative from North America; the United States will participate as an advisor. The Executive Committee will conduct a critical review of the elaboration of Codex standards and will consider the implementation status of the Codex Strategic Plan, the management of the Trust Fund for the Participation of Developing Countries and Countries in Transition in the Work of the Codex Alimentarius and a proposal for a successor initiative to the Trust Fund, papers prepared by the Secretariat on Codex Work Management and Functioning of the Executive Committee and Revitalization of the FAO/WHO Coordinating Committees, as well as financial and budgetary issues.

Responsible Agency: USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Residues of Veterinary Drugs in Foods

The Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) determines priorities for the consideration of residues of veterinary drugs in foods and recommends Maximum Residue Limits (MRLs) for veterinary drugs. The Committee also develops codes of practice, as may be required, and considers methods of sampling and analysis for the determination of veterinary drug residues in food. A veterinary drug is defined as any substance applied or administered to any food producing animal, such as meat or milk producing animals, poultry, fish or bees, whether used for therapeutic, prophylactic or diagnostic purposes, or for modification of physiological functions or behavior.

A Codex Maximum Residue Limit (MRL) for residues of veterinary drugs is the maximum concentration of residue resulting from the use of a veterinary drug (expressed in mg/kg or ug/kg on a fresh weight basis) that is recommended by the Codex Alimentarius Commission to be permitted or recognized as acceptable in or on a food. Residues of a veterinary drug include the parent compounds or their metabolites in any edible portion of the animal product, and include residues of associated impurities of the veterinary drug concerned. An MRL is based on the type and amount of residue considered to be without any toxicological hazard for human health as expressed by the Acceptable Daily Intake (ADI) or on the basis of a temporary ADI that utilizes an additional safety factor. The MRL also takes into account other relative public health risks as well as food technological aspects.

When establishing an MRL, consideration is also given to residues that occur in food of plant origin or the environment. Furthermore, the MRL may be reduced to be consistent with official recommended or authorized usage, approved by national authorities, of the veterinary drugs under practical conditions.

An Acceptable Daily Intake (ADI) is an estimate made by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) of the amount of a veterinary drug, expressed on a body weight basis, which can be ingested daily in food over a lifetime without appreciable health risk.

The Committee met for its 22nd Session in San José, Costa Rica, from April 27–May 1, 2015. The relevant document is REP15/RVDF. The following items are to be considered for adoption by the 38th Session of the Commission in July 2015:

To be considered for approval:

- Priority List of veterinary drugs requiring evaluation or re-evaluation by JECFA

T*o be considered at Step 5/8:*

- Proposed draft MRLs for derquantel (sheep tissues), emamectin benzoate (salmon and trout tissues) and monepantel (sheep tissues) recommended by the 78th JECFA (2013)
- Proposed draft Risk Management Recommendations (RMRs) for dimetridazole, ipronidazole, metronidazole, and ronidazole

The Committee will continue working on:

- Draft RMR for gentian violet
- Proposed draft MRLs for ivermectin (cattle muscle) and lasalocid sodium (chicken, turkey, quail and pheasant tissues)
- Discussion paper on the establishment of a rating system to establish priority for CCRVDF work (eWG chaired by France)
- Discussion paper on unintended presence of residues of veterinary drugs in food commodities resulting from the carry-over of drug residues into feed (eWG chaired by the United States and co-chaired by Canada)
- Global survey to provide information to the CCRVDF to move compounds from the database on countries needs for MRLs to the JECFA Priority List (eWG co-chaired by the United States and Costa Rica)
- Database on countries needs for MRLs

The Committee recommended that work on the following items be considered for discontinuation:

- Proposed draft MRLs for derquantel (sheep tissues), and monepantel (sheep tissues) recommendations of the 75th JECFA (2011)
- Draft provisions on establishment of MRLs for honey (for inclusion in the Risk Analysis Principles applied by CCRVDF)

Responsible Agencies: HHS/FDA/Center for Veterinary Medicine; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Contaminants in Foods

The Codex Committee on Contaminants in Foods (CCCF) establishes or endorses permitted maximum levels (ML) and, where necessary, revises existing guidelines levels for contaminants and naturally occurring toxicants in food and feed; prepares priority lists of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives; considers and elaborates methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed; considers and elaborates standards or codes of practice for related subjects; and considers other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The Committee convened for its 9th Session in New Delhi, India, March 16–20, 2015. The relevant document is REP15/CF. The following items are to be considered for adoption by the 38th Session of the Commission in July 2015:

To be considered for approval:

- Priority list of contaminants and naturally occurring toxicants for JECFA evaluation

To be considered for adoption at Step 8 and 5/8:

- Draft and proposed draft maximum levels for lead in fruit juices and nectars (excluding juices exclusively from berries and other small fruits), ready to drink; canned fruits (excluding berries and other small fruits); canned vegetables (excluding canned brassica, canned leafy vegetables and canned legume vegetables); berries and other small fruits (excluding cranberry, currant and elderberry); cranberry; currant; elderberry; brassica vegetables; legume vegetables; fruiting vegetables, cucurbits; fruiting vegetables, other than cucurbits (excluding fungi and mushrooms)

To be considered for adoption at Step 8:

- Draft maximum levels for deoxynivalenol (DON) in cereal-based foods for infants and young children; in flour, meal, semolina and flakes derived from wheat, maize or barley; and in cereal grains (wheat, maize and barley) destined for further processing, including sampling plans and performance criteria for methods of analysis

To be considered for adoption at Step 5:

- Proposed draft maximum level for inorganic arsenic in husked rice
- Proposed draft revision of the *Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals* (CAC/RCP 51–2003)

The Committee will continue working on:

- Proposed draft maximum level for total aflatoxins in ready to eat peanuts including sampling plan
- Proposed draft maximum levels for lead in selected fruits and vegetables (fresh and processed)
- Proposed draft maximum level for cadmium in chocolate and cocoa-derived products
- Proposed draft *Code of Practice for the Prevention and Reduction of Arsenic Contamination in Rice*
- Proposed draft annexes to the *Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals* (CAC/RCP 51–2003)
- Proposed draft *Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Spices*
- Ergot Alkaloids
- Maximum levels for Methylmercury in fish
- Maximum levels for mycotoxins in spices
- Priority list of contaminants and naturally occurring toxicants proposed for evaluation by JECFA
- Submission and use of data from Global Environment Monitoring Systems/Food
- Approaches for phasing-in of lower maximum levels for contaminants
- Radionuclides in foods

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Food Additives

The Codex Committee on Food Additives (CCFA) establishes or endorses acceptable maximum levels (MLs) for individual food additives; prepares a priority list of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA); assigns functional classes to individual food additives; recommends specifications of identity

and purity for food additives for adoption by the Codex Alimentarius Commission; considers methods of analysis for the determination of additives in food; and considers and elaborates standards or codes of practice for related subjects such as the labeling of food additives when sold as such. The 47th Session of the Committee met in Xi'an, China, March 23–27, 2015. The relevant document is REP15/FA. Immediately prior to the Plenary Session, there was a two-day physical Working Group on the General Standard for Food Additives (GSFA) chaired by the United States. The following items will be considered by the 38th Session of the Commission in July 2015:

To be considered for approval:

- Proposal for additions and changes to the priority-list of substances proposed for evaluation by JECFA

To be considered for adoption:

- Revised food additives section of the *Standard for Bouillons and Consommés (Codex Stan 117–1981)*
- Revised food additives provisions of GSFA food category 12.5 (Soups and broths) and its sub-categories
- Corrections to food additive provisions of GSFA related to the alignments of the five meat commodity standards

To be considered at Step 8 and 5/8:

- Draft and proposed draft food additive provisions of the GSFA

To be considered at Step 5/8:

- Proposed draft *Specifications for the Identity and Purity of Food Additives*
- Proposed draft amendments to the International Numbering System (INS) for Food Additives (CAC/GL 36–1989)

The Committee will continue working on:

- Proposed draft food additive provisions of the GSFA
  - Information and justification on the use of nisin (INS 234) in food category 08.3.2 (Heat-treated processed comminuted meat, poultry, and game products) in general, and specifically in products conforming to the corresponding commodity standards (electronic Working Group (eWG) led by the United States)
  - Outstanding food additive provisions in Table 1 and 2 in food categories 01.2 through 08.4, with the exclusion of food categories 04.1.2.4, 04.2.2.4, 04.2.2.5, 04.2.2.6, 05.1.1, 05.1.3 and 05.1.4 (from the 47th CCFA, Agenda Item 5(c))
- Proposed draft revision of the food category 01.1 (Milk and dairy-based drinks) and its sub-categories of the GSFA (eWG led by New Zealand)
- Alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA (eWG led by Australia and the United States)
- Discussion paper of the use of specific food additives in the production of wine (eWG led by France and Australia)
- Discussion paper on secondary additives (eWG led by the European Union)
- Proposed draft revision of Sections 4.1.c and 5.1.c of the *General Standard for the Labeling of Food Additives When Sold as Such* (CODEX STAN 107–1981) (eWG led by the United States)
- Amendments to the INS for food additives
- Specifications for the Identity and Purity of Food Additives (80th JECFA)
- Information document on the GSFA
- Information document on the food additive provisions in commodity standards

The Committee also agreed to convene a physical Working Group on the GSFA immediately preceding the 48th session of CCFA to be chaired by the United States that will discuss:

- Outstanding provisions related to food additive provisions in Table 1 and 2 in food categories 01.2 through 08.4, information and justification on the use of nisin (INS 234) in food category 08.3.2 (Heat-treated processed comminuted meat, poultry, and game products)
- Comments submitted in response to CL 2015/9–FA on the revision of the provision for quillaia extracts (INS 999(i), (ii)) in food category 14.1.4 (Water-based flavored drinks, including ''sport,'' ''energy,'' or ''electrolyte'' drinks and particulate drinks
- Comments submitted in response to CL 2015/9–FA on proposals for the use of paprika extract (INS 160c(ii)) for inclusion in Tables 1 and 2 of the GSFA
- New proposals and proposed revisions of food additive provisions in the GSFA

Responsible Agency: HHS/FDA.
U.S. Participation: Yes.

Codex Committee on Pesticide Residues

The Codex Committee on Pesticide Residues (CCPR) is responsible for establishing maximum limits for pesticide residues in specific food items or in groups of food; establishing maximum limits for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health; preparing priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR); considering methods of sampling and analysis for the determination of pesticide residues in food and feed; considering other matters in relation to the safety of food and feed containing pesticide residues; and establishing maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides in specific food items or groups of food.

The 47th Session of the Committee met in Beijing, China, April 13–18, 2015. The relevant document is REP15/PR. The following items will be considered at the 38th Session of the Codex Alimentarius Commission in July 2015:

To be considered for adoption:

- *Guidance to Facilitate the Establishment of MRLs for Pesticides for Minor Crops including Appendix on Methodology to Assign Crops into Consumption Categories* (for inclusion as an annex to the Risk Analysis Principles Applied by the Codex Committee on Pesticide Residues

To be considered for adoption at Step 5/8:

- Proposed draft MRLs for pesticides

To be considered for adoption at Step 5:

- Proposed draft MRLs for pesticides

The Committee will continue working on:

- Draft MRLs for pesticides
- Proposed draft MRLs for pesticides
- Draft revision to the Classification of Food and Feed (vegetable commodity groups: Group 015-Pulses)
- Proposed draft revision to the Classification of Food and Feed (other vegetable commodity groups: Group 014 Legume vegetables)
- Proposed draft revision to the Classification of Food and Feed:
  1. Group 011—Fruiting vegetables, cucurbits
  2. Group 020—Grasses of cereal grains
  3. Group 021—Grasses for sugars or syrup production
  4. Group 024—Seeds for beverages and sweets
- Proposed draft tables on examples of selection of representative commodities (for inclusion in the principles and guidance for the selection of representative commodities for the extrapolation of maximum residue limits for pesticides for commodity groups)
- Proposed draft *Guidance on Performance Criteria for Methods of*

Analysis for the Determination of Pesticide Residues

- Establishment of Codex schedules and priority list of pesticides for evaluation by JMPR
- Discussion paper on the impact of the relocation of Vigna spp. under the Beans (dry) on the CXLs for Peas (dry)

Responsible Agencies: EPA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Methods of Analysis and Sampling

The Codex Committee on Methods of Analysis and Sampling (CCMAS) defines the criteria appropriate to Codex Methods of Analysis and Sampling; serves as a coordinating body for Codex with other international groups working on methods of analysis and sampling and quality assurance systems for laboratories; specifies, on the basis of final recommendations submitted to it by the bodies referred to above, reference methods of analysis and sampling appropriate to Codex standards which are generally applicable to a number of foods; considers, amends if necessary, and endorses as appropriate, methods of analysis and sampling proposed by Codex commodity committees, except for methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of microbiological quality and safety in food, and the assessment of specifications for food additives; elaborates sampling plans and procedures, as may be required; considers specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and defines procedures, protocols, guidelines or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The 36th Session of the Committee met in Budapest, Hungary, February 23–27, 2015. The relevant document is REP15/MAS. The following items will be considered by the Commission at its 38th Session in July 2015:

To be considered for adoption:

- *Methods of Analysis and Sampling in Codex Standards* at different steps

To be considered for adoption at Step 5/8:

- *Principles for the Use of Sampling and Testing in International Food Trade—Proposed Draft Explanatory Notes*

The Committee will continue working on:

- Criteria for endorsement of biological methods to detect chemical of concern
- Practical Examples (Information Document)
- Procedures for determining uncertainty of measurement results
- Development of procedures/guidelines for determining equivalency to Type I methods
- Criteria approach for methods which use a ''sum of components''
- Review and update of methods in Codex Stan 234–1999
- Follow-up on methods of analysis and sampling plans
- Sampling in Codex standards

Responsible Agencies: HHS/FDA; USDA/Grain Inspection, Packers and Stockyards Administration.

Codex Committee on Food Import and Export Inspection and Certification Systems

The Codex Committee on Food Import and Export Inspection and Certification Systems is responsible for developing principles and guidelines for food import and export inspection and certification systems, with a view to harmonizing methods and procedures that protect the health of consumers, ensure fair trading practices, and facilitate international trade in foodstuffs; developing principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance, where necessary, that foodstuffs comply with requirements, especially statutory health requirements; developing guidelines for the utilization, as and when appropriate, of quality assurance systems to ensure that foodstuffs conform with requirements and promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries; developing guidelines and criteria with respect to format, declarations, and language of such official certificates as countries may require with a view towards international harmonization; making recommendations for information exchange in relation to food import/export control; consulting as necessary with other international groups working on matters related to food inspection and certification systems; and considering other matters assigned to it by the Commission in relation to food inspection and certification systems.

The 21st Session of the Committee convened in Brisbane, Australia, October 13–17, 2014. The relevant document is REP15/FICS. There are no items to be considered for adoption by the Commission at its 38th Session in July 2015. The Committee will continue working on the following items:

- Draft principles and/or guidelines for the exchange of information (including questionnaires) between countries to support food import and export
- Draft guidance for monitoring the performance of National Food Control Systems
- Revision of the *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19–1995)
- Revision of the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25–1997)
- Discussion paper on system comparability/equivalence
- Discussion paper on the possibilities of the use of electronic certificates by competent authorities as well as the migration to paperless certification

Responsible Agencies: USDA/FSIS; HHS/FDA.

U.S. Participation: Yes.

Codex Committee on Food Labelling

The Codex Committee on Food Labelling drafts provisions on labeling applicable to all foods; considers, amends, and endorses draft specific provisions on labeling prepared by the Codex Committees drafting standards, codes of practice, and guidelines; and studies specific labeling problems assigned by the Codex Alimentarius Commission. The Committee also studies problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

The Committee met for its 42nd Session in Rome, Italy, October 21–24, 2014. The relevant document is REP15/FL. There are no items to be considered for adoption by the Commission at its 38th Session (July 2015). The Committee plans to continue work on the following items:

- Revision of the *Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods: Organic Aquaculture*
- Revision of the *General Standard for the Labelling of Prepackaged Foods: Date Marking*
- Discussion paper on the labelling of non-retail containers
- Discussion paper on issues related to Internet sales of food
- Proposal to revise the *General Guidelines for the Use of the Term ''Halal''* (CAC/GL 24–1997)

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Food Hygiene

The Codex Committee on Food Hygiene:

- Develops basic provisions on food hygiene applicable to all food or to specific food types;
- Considers and amends or endorses provisions on food hygiene contained in Codex commodity standards and codes of practice developed by other Codex commodity committees;
- Considers specific food hygiene problems assigned to it by the Commission;
- Suggests and prioritizes areas where there is a need for microbiological risk assessment at the international level and develops questions to be addressed by the risk assessors; and
- Considers microbiological risk management matters in relation to food hygiene and in relation to FAO/WHO risk assessments.

The Committee convened for its 46th Session in Lima, Peru, November 17–21, 2014. The relevant document is REP 15/FH. The following items will be considered by the Commission at its 38th Session in July 2015:

To be considered for adoption:

- Amendments to the hygiene sections in meat commodity standards

To be considered for adoption at Step 8:

- Draft *Guidelines for the Control of Trichinella spp. In Meat of Suidae*

To be considered for adoption at Step 5/8:

- Proposed Draft *Code of Hygienic Practice for Low-Moisture Foods*

The Committee will continue working on:

- Proposed Draft *Guidelines for the Control of Nontyphoidal Salmonella spp. in Beef and Pork Meat*
- Proposed Draft *Guidelines on the Application of General Principles of Food Hygiene to the Control of Foodborne Parasites*
- Discussion paper on the need to revise the *Code of Hygienic Practice for Fresh Fruits and Vegetables* (CAC/RCP 53–2003)
- Discussion paper on the revision of the *General Principles of Food Hygiene* (CAC/RCP 1–1969) and its Hazard Analysis and Critical Control Points annex
- Proposed annexes to the *Code of Hygienic Practice for Low-Moisture Foods*
- New Work Proposals/Forward Work Plan

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Fresh Fruits and Vegetables

The Codex Committee on Fresh Fruits and Vegetables (CCFFV) is responsible for elaborating worldwide standards and codes of practice as may be appropriate for fresh fruits and vegetables; for consulting as necessary, with other international organizations in the standards development process to avoid duplication.

The 19th Session of the Committee will meet in Mexico, October 5–9, 2015. The Committee will continue discussing the following items:

- Proposed draft *Standard for Ware Potato*
- Proposed draft *Standard for Garlic*
- Proposed draft *Standard for Aubergines*
- Proposed draft *Standard for Kiwifruit*
- Proposals for new work for Codex standards for fresh fruits and vegetables
- Proposed layout for Codex standards for fresh fruits and vegetables

Responsible Agencies: USDA/AMS; HHS/FDA.

U.S. Participation: Yes.

Codex Committee on Nutrition and Foods for Special Dietary Uses

The Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) is responsible for studying nutrition issues referred to it by the Codex Alimentarius Commission. The Committee also drafts general provisions, as appropriate, on nutritional aspects of all foods and develops standards, guidelines, or related texts for foods for special dietary uses in cooperation with other committees where necessary; considers, amends if necessary, and endorses provisions on nutritional aspects proposed for inclusion in Codex standards, guidelines, and related texts.

The Committee convened for its 36th Session in Bali, Indonesia, November 24–28, 2014. The reference document is REP 15/NFSDU. The following items will be considered by the Commission at its 38th Session in July 2015:

To be considered for adoption:

- The amendments to the annex of the *Guidelines on Nutrition Labelling* (CAC/GL2–1985)
- Proposed draft revision of the *List of Food Additives in Codex Stan 72–1981*
- Proposal for inclusion of zinc citrates in the *Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children* (CAC/GL10–1979)
- Draft amendment to the *Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten (Codex STAN 118–1979),* to add the term ''Khorasan wheat''

To be considered for adoption at Step 8:

- Draft revision of the *General Principles for the Addition of Essential Nutrients to Foods*

To be considered for adoption at Step 5/8:

- Proposed draft *Additional or Revised Nutrient Reference Values for Labelling Purposes* in the *Guidelines on Nutrition Labelling* (CAC/GL2–1985)
- Proposed draft *Nutrient Reference Value (NRV) for Potassium in Relation to the Risk of Non-Communicable Disease (NCD)*

To be recommended for discontinuation:

- Proposed draft amendment of the *Standard for Processed Cereal-Based Foods for infants and Young Children* (CODEX STAN 74–1981) to include a New Part B for Underweight Children

The Committee will continue working on:

- Proposed draft *Additional or Revised Nutrient Reference Values for Labelling Purposes* in the *Guidelines on Nutrition Labelling* (Vitamin A, D, E, Magnesium, Phosphorus, Chromium, Copper, Chloride & Iron)
- Review of the *Standard for Follow-up Formula (Codex Stan 156–1987)*
- Proposed draft definition of biofortification and/or biofortified foods
- Proposed draft NRV–NCD for EPA and DHA long chain omega-3 fatty acids
- Discussion paper on *Claim for ''Free'' for Trans Fatty Acids*
- Discussion paper on a standard for ready to use foods (RUF)

Responsible Agencies: HHS/FDA; USDA/Agricultural Research Service (ARS).

U.S. Participation: Yes.

Codex Committee on Fish and Fishery Products

The Fish and Fishery Products Committee (CCFFP) is responsible for elaborating standards for fresh, frozen and otherwise processed fish, crustaceans, and mollusks. The Committee will convene its 34th Session in Ålesund, Norway, October 19–24, 2015. The Committee will continue working on the following agenda items:

- Draft *Code of Practice for Processing of Fish Sauce*

- Proposed draft *Code of Practice on the Processing of Fresh and Quick Frozen Raw Scallop Products* (section on sturgeon caviar)
- Proposed food additive provisions in the *Standard for Fish and Fishery Products*
- Discussion paper on Nitrogen Factors (amendments to section 7.4 of the Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets- Breaded or in Batter (Codex Stan 166–1989)
- *Code of Practice for Fish and Fishery Products* (optional final product requirements for commodities/ appendix on Map)
- Discussion paper on histamine

Other Business and Future Work

- New work proposal on a *Standard for Fresh Chilled Pirarucu Fillet or Whole Fish*
- Discussion paper on the future of the Committee

Responsible Agencies: HHS/FDA; USDC/NOAA/NMFS.

U.S. Participation: Yes.

Codex Committee on Fats and Oils

The Codex Committee on Fats and Oils (CCFO) is responsible for elaborating worldwide standards for fats and oils of animal, vegetable, and marine origin, including margarine and olive oil.

The 24th session of the Committee convened in Melaka, Malaysia, February 9–13, 2015. The reference document is REP 15/FO. The following items will be considered by the Commission at its 38th Session in July 2015:

To be considered for adoption:

- Amendments to Appendix 2 ''List of Acceptable Previous Cargoes'' of the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CAC/RCP 36–1987)
- Reference to Acceptance/Voluntary Application in Codex Standards

To be considered for adoption at Step 5:

- Proposed draft *Standard for Fish Oils*

The Committee will continue working on:

- Amendments to Appendix 2 ''List of Acceptable Previous Cargoes'' of the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CAC/RCP 36–1987)
- Addition of Palm Oil with High Oleic Acid (OxG)
- Revision of Fatty Acid Composition and Other Quality Factors of Peanut Oil
- Revision of the Limit for Campesterol
- Revision of Limits of Oleic and Linoleic Acids in Sunflower Seed Oils
- Inclusion of provisions for Walnut Oil, Almond Oil, Hazelnut Oil, Pistachio Oil, Flaxseed Oil, and Avocado Oil
- Replacement of Acid Value with Free Fatty Acids for Virgin Palm Oils
- Inclusion of Quality Parameters for Crude Rice Bran Oil
- Discussion paper on the amendment of the *Standard for Named Animal Fats (Codex Stan 211–1999) Inclusion of Unrefined Edible Tallow*

To be recommended for discontinuation:

- Inclusion of provisions for High Oleic Soybean Oil
- Inclusion of provisions for High Stearic High Oleic Acids of Sunflower Seed Oils
- Contents of delta-7-stigmastenol
- Discussion paper on the amendment of the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CAC/RCP 36–1987)
- Discussion paper on the amendment of the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk*

Responsible Agencies: HHS/FDA; USDA/ARS.

U.S. Participation: Yes.

Codex Committee on Processed Fruits and Vegetables

The Codex Committee on Processed Fruits and Vegetables (CCPFV) is responsible for elaborating worldwide standards and related texts for all types of processed fruits and vegetables including but not limited to canned, dried, and frozen products, as well as fruit and vegetable juices and nectars.

The Committee convened its 27th Session in Philadelphia, Pennsylvania, September 8–12, 2014. The reference document is REP 15/PFV. The following items will be considered by the Commission at its 38th Session in July 2015:

To be considered for adoption:

- Amendments to food additive provisions in the standards for canned chestnuts and canned chestnut puree, canned bamboo shoots, canned mushrooms (certain canned vegetables), and pickled fruits and vegetables
- Amendments to food additive and packing media provisions in the *Standard for Pickled Fruits and Vegetables*

To be considered for adoption at Step 8:

- Draft *Standard for Certain Canned Fruits* (general provisions)
- Draft Annex on Canned Mangoes (draft *Standard for Certain Canned Fruits*
- Draft *Standard for Quick Frozen Vegetables* (general provisions)

To be considered for adoption at Step 5/8:

- Proposed draft Annex on Canned Pears (draft *Standard for Certain Canned Fruits*)
- Proposed draft Annexes for Certain Quick Frozen Vegetables: Leeks, Carrots, Corn-on the Cob, Whole Kernel Corn (draft *Standard for Quick Frozen Vegetables*)
- Proposed draft *Standard for Ginseng Products*

The Committee will continue working on:

- Proposed draft Annex on Canned Pineapples
- Proposed draft Annexes on Quick Frozen Vegetables (including methods of analysis for quick frozen vegetables)
- Status of work on the review/revision of Codex standards for processed fruits and vegetables

The Committee also agreed to forward the following items to the 47th session of CCFA for endorsement:

- Food additive provisions for canned chestnut and canned chestnut puree, canned bamboo shoots, canned mangoes and pickled fruits and vegetables for endorsement by CCFA

Responsible Agencies: USDA/ Agricultural Marketing Service; HHS/ FDA.

U.S. Participation: Yes.

Codex Committee on Milk and Milk Products

The Codex Committee on Milk and Milk Products (CCMMP) establishes international codes and standards concerning milk and milk products.

The Committee has been reactivated electronically to work on a standard for processed cheese. The Committee held a physical Working Group (pWG) in Brussels January 20–22, 2015.

The following items will be considered by the Commission at its 38th Session in July 2015.

To be considered for adoption at Step 5:

- Draft *General Standard for Processed Cheese*

The Committee will continue working on:

- Draft *Standard for Whey Permeate Powder*

Responsible Agencies: USDA/AMS HHS/FDA.

U.S. Participation: Yes.

Codex Committee on Sugars

The Codex Committee on Sugars (CCS) elaborates worldwide standards

for all types of sugars and sugar products.

The Committee has been reactivated electronically to work on a standard for Non-Centrifugated Dehydrated Sugar Cane Juice.

The following item will be considered by the Commission at its 38th Session in July 2015.

To be considered for adoption:

- Draft *Standard for Non-Centrifugated Dehydrated Sugar Cane Juice* at Step 8.

The Committee will continue working on:

- No additional work is ongoing in this Committee. It will again be adjourned *sine die* once the work on the *Standard for Non-Centrifugated Dehydrated Sugar Cane Juice* has been adopted

Responsible Agencies: HHS/FDA.
U.S. Participation: Yes.

Certain Codex Commodity Committees

Several Codex Alimentarius Commodity Committees have adjourned *sine die.* The following Committees fall into this category:

- Cereals, Pulses and Legumes
  Responsible Agency: HHS/FDA.
  U.S. Participation: Yes.
- Cocoa Products and Chocolate
  Responsible Agency: HHS/FDA.
  U.S. Participation: Yes.
- Meat Hygiene
  Responsible Agency: USDA/FSIS.
  U.S. Participation: Yes.
- Natural Mineral Waters
  Responsible Agency: HHS/FDA.
  U.S. Participation: Yes.
- Vegetable Proteins
  Responsible Agency: USDA/ARS.
  U.S. Participation: Yes.

FAO/WHO Regional Coordinating Committees

The FAO/WHO Regional Coordinating Committees define the problems and needs of the regions concerning food standards and food control; promote within the Committee contacts for the mutual exchange of information on proposed regulatory initiatives and problems arising from food control and stimulate the strengthening of food control infrastructures; recommend to the Commission the development of worldwide standards for products of interest to the region, including products considered by the Committees to have an international market potential in the future; develop regional standards for food products moving exclusively or almost exclusively in intra-regional trade; draw the attention of the Commission to any aspects of the Commission's work of particular significance to the region; promote coordination of all regional food standards work undertaken by international governmental and non-governmental organizations within each region; exercise a general coordinating role for the region and such other functions as may be entrusted to it by the Commission; and promote the use of Codex standards and related texts by members.

There are six regional coordinating committees:

Coordinating Committee for Africa
Coordinating Committee for Asia
Coordinating Committee for Europe
Coordinating Committee for Latin America and the Caribbean
Coordinating Committee for the Near East
Coordinating Committee for North America and the South West Pacific

Coordinating Committee for Africa

The Committee (CCAfrica) met for its 21st Session in Yaoundé, Cameroon, January 27–30, 2015. The reference document is REP 15/AFRICA. There are no items to be considered for adoption by the Commission at its 38th Session in July 2015.

The Committee will continue working on:

- Proposed draft *Standard for dried meat*
- Proposed draft *Regional Standard for fermented cooked cassava based products*
- Proposed draft *Regional Standard for Shea Butter*
- Proposed draft *Regional Standard for Gnetum Spp. Leaves*

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for Asia

The Committee (CCAsia) met for its 19th Session in Tokyo, Japan, November 3–7, 2014. The reference document is REP 15/ASIA. The following items are to be considered for adoption by the 38th Session of the Commission in July 2015:

To be considered for adoption at Step 8:

- Draft *Regional Standard for Non-Fermented Soybean Products*

To be considered for adoption:

- Amendments to sections ''Food Additives'' and ''Methods of Analysis and Sampling'' of the *Regional Standard for Tempe*

To be recommended for discontinuation:

- Draft Strategic Plan for CCASIA 2015–2020
- Discussion paper on edible crickets and their products

The Committee will continue working on:

- Proposed draft *Standard for Laver products*
- Proposed draft *Regional Code of Hygienic Practice for Street-Vended Foods*
- Discussion paper on Makgeolli
- Discussion paper on Natto
- Discussion paper on Dried Longan

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for Europe

The Committee (CCEurope) convened its 29th Session in The Hague, the Netherlands, September 30–October 04, 2014. The reference document is REP 15/EURO. There are no items for adoption by the Commission at its 38th Session in July 2015.

The Committee will continue working on:

- Regional Strategic Plan for CCEURO.

To be recommended for discontinuation:

- Proposed draft *Regional Standard for Ayran.*

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for Latin America and the Caribbean

The Coordinating Committee for Latin America and the Caribbean (CCLAC) convened its 19th Session in San José, Costa Rica, from November 10–14, 2014. The reference document is REP 15/LAC. There are no items for adoption by the Commission at its 38th Session in July 2015.

The Committee will continue working on:

- Proposed draft *Regional Standard for Yacon.*

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for the Near East

The Committee (CCNEA) convened its 8th Session in Rome, Italy, June 1–5, 2015. There are no items to be considered for adoption by the Commission at its 38th Session in July 2015.

The Committee will continue working on:

- Regional *Standard for Doogh*
- Proposed draft *Regional Standard for Labneh*
- Proposed draft *Regional Standard for Zaatar*

- Discussion paper on a *Standard for Camel Milk*
- Draft Strategic Plan for CCNEA 2015–2020
- Nomination of Coordinator

Responsible Agency: USDA/FSIS.
U.S. Participation: No.

Coordinating Committee for North America and the South West Pacific (CCNASWP)

The Committee (CCNASWP) convened its 13th Session in Kokopo, Papua New Guinea, September 23–26, 2014. The reference document is REP 15/NASWP. There are no items to be considered for adoption by the Commission at its 38th Session in July 2015.

The Committee will continue working on:

- Proposed draft *Standard for Fermented Noni Juice*
- Implementation Status of the Strategic Plan for CCNAWSWP 2014–2019
- Discussion paper on kava
- Areas of new work of interest to the Region

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes.

Contact

U.S. Codex Office, United States Department of Agriculture, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700, Phone: (202) 205–7760, Fax: (202) 720–3157, Email: *uscodex@fsis.usda.gov*.

Attachment 2

U.S. CODEX Alimentarius Officials

CODEX Chairpersons From the United States

Codex Committee on Food Hygiene

Emilio Esteban, DVM, MBA, MPVM, Ph.D., Executive Associate for Laboratory Services, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, 950 College Station Road, Athens, GA 30605, Phone: (706) 546–3429, Fax: (706) 546–3428, Email: *emilio.esteban@fsis.usda.gov*.

Codex Committee on Processed Fruits and Vegetables

Richard Boyd, Chief, Contract Services Branch, Specialty Crops Inspection Division, Fruit and Vegetable Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Mail Stop 0247, Room 0726-South Building, Washington, DC 20250, Phone: (202) 690–1201, Fax: (202) 690–1527, Email: *richard.boyd@ams.usda.gov*.

Codex Committee on Residues of Veterinary Drugs in Foods

Steven D. Vaughn, DVM, Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, U.S. Food and Drug Administration, MPN 2, Room 236, 7520 Standish Place, Rockville, Maryland 20855, Phone: (240) 402–0571, Fax: (240) 276–8242 *Steven.Vaughn@fda.hhs.gov*.

U.S. Delegates and Alternate Delegates

General Subject Committees
Commodity Committees (Active and Adjourned)
AdHoc Task Forces
Regional Coordinating Committees

Worldwide General Codex Subject Committees

Contaminants in Foods (Host Government—The Netherlands)

U.S. Delegate

Nega Beru, Ph.D., Director, Office of Food Safety (HFS–300), Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1700, Fax: +1 (301) 436–2651, *Nega.Beru@fda.hhs.gov*.

Alternate Delegate

Kerry Dearfield, Ph.D., Chief Scientist, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 9–195, PP 3 (Mail Stop 3766), 1400 Independence Avenue SW., Washington, DC 20250, Phone: +1 (202) 690–6451, Fax: +1 (202) 690–6337, *Kerry.Dearfield@fsis.usda.gov*.

Food Additives (Host Government—China)

U.S. Delegate

Susan E. Carberry, Ph.D., Supervisory Chemist, Division of Petition Review, Office of Food Additive Safety (HFS–265), Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1269, Fax: +1 (301) 436–2972, *Susan.Carberry@fda.hhs.gov*.

Alternate Delegate

Paul S. Honigfort, Ph.D., Consumer Safety Officer, Division of Food Contact Notifications (HFS–275), Office of Food Additive Safety, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1206, Fax: +1 (301) 436–2965, *Paul.Honigfort@fda.hhs.gov*.

Food Hygiene (Host Government—United States)

U.S. Delegate

Jenny Scott, Senior Advisor, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, HFS–300, Room 3B–014, College Park, MD 20740–3835, Phone: +1 (240) 402–2166, Fax: +1 (301) 436–2632, *Jenny.Scott@fda.hhs.gov*.

Alternate Delegates

Kerry Dearfield, Ph.D., Chief Scientist, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 9–195, PP 3 (Mail Stop 3766), 1400 Independence Avenue SW., Washington, DC 20250, Phone: +1 (202) 690–6451, Fax: +1 (202) 690–6337, *Kerry.Dearfield@fsis.usda.gov*.

Andrew Chi Yuen Yeung, Ph.D., Consumer Safety Officer, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, HFS–316, College Park, MD 20740, Phone: +1 (240) 402–1541, Fax: +1 (301) 436–2632, *Andrew.Yeung@fda.hhs.gov*.

Food Import and Export Certification and Inspection Systems (Host Government—Australia)

U.S. Delegate

Mary Stanley, Director, Office of International Coordination, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 2925, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250, Phone: +1 (202) 720–0287, Fax: +1 (202) 720–4929, *Mary.Stanley@fsis.usda.gov*.

Alternate Delegate

Vacant

Food Labelling (Host Government—Canada)

U.S. Delegate

Felicia B. Billingslea, Director, Food Labeling and Standards Staff, Office of Nutrition, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway (HFS–820), College Park, MD 20740, Phone: +1 (240) 402–2371, Fax: +1 (301) 436–2636, *felicia.billingslea@fda.hhs.gov*.

Alternate Delegate

Jeffrey Canavan, Deputy Director, Labeling and Program Delivery Staff, Food Safety and Inspection Service,

U.S. Department of Agriculture, 1400 Independence Avenue SW., Stop 5273, Patriots Plaza 3, 8th Floor-161A, Washington, DC 20250, Phone: +1 (301) 504–0860, Fax: +1 (202) 245–4792, *jeff.canavan@fsis.usda.gov*.

General Principles (Host Government—France)

Delegate Note: A member of the Steering Committee heads the delegation to meetings of the General Principles Committee.

Methods of Analysis and Sampling (Host Government—Hungary)

U.S. Delegate

Gregory O. Noonan, Ph.D., Director, Division of Bioanalytical Chemistry, Division of Analytical Chemistry, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–2250, Fax: +1 (301) 436–2332, *Gregory.Noonan@fda.hhs.gov*.

Alternate Delegate

Dr. Timothy Norden, Branch Chief, Grain Inspection, Packers and Stockyards Administration (GIPSA), Technology & Science Division, U.S. Department of Agriculture, 10383 Ambassador Drive, Kansas City, MO, USA 64153, Phone: +1 (816) 891–0470, Fax: +1 (816) 891–8070, *timothy.d.norden@gipsa.usda.gov*.

Nutrition and Foods for Special Dietary Uses (Host Government—Germany)

U.S. Delegate

Paula R. Trumbo, Ph.D., Nutrition Programs, Office of Nutrition, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway HFS–830, College Park, MD 20740, Phone: +1 (240) 402–2579, Fax: +1 (301) 436–1191, *Paula.Trumbo@fda.hhs.gov*.

Alternate Delegate

Pamela R. Pehrsson, Ph.D., Research Leader, U.S. Department of Agriculture, Agricultural Research Service, Nutrient Data Laboratory, Room 105, Building 005, BARC-West, 110300 Baltimore Avenue, Beltsville, MD 20705, Phone: +1 (301) 504–0630, Fax: +1 (301) 504–0632, *pamela.pehrsson@ars.usda.gov*.

Pesticide Residues (Host Government—China)

U.S. Delegate

Ms. Barbara Madden, Lead Biologist/Minor Use Team Leader, Office of Pesticide Programs, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Phone: +1 (703) 305–6463, Fax: +1 (703) 305–6920, *madden.barbara@epa.gov*.

Alternate Delegate

Dr. Pat Basu, Senior Leader, Chemistry, Toxicology & Related Sciences, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Patriots Plaza III, Room 9–205, 1400 Independence Ave. SW., Washington, DC 20250–3766, Phone: +1 (202) 690–6558, Fax: +1 (202) 690–2364, *Pat.Basu@fsis.usda.gov*.

Residues of Veterinary Drugs in Foods (Host Government—United States)

U.S. Delegate

Dr. Kevin Greenlees, Senior Advisor for Science & Policy, Office of New Animal Drug Evaluation, HFV–100, Center for Veterinary Medicine, U.S. Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855, Phone: +1 (240) 402–0638, Fax: +1 (240) 276–9538, *kevin.greenlees@fda.hhs.gov*.

Alternate Delegate

Dr. Charles Pixley, DVM, Ph.D., Director, Laboratory Quality Assurance Staff, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, 950 College Station Road, Athens, GA 30605, Phone: +1 (706) 546–3559, Fax: +1 (706) 546–3452, *charles.pixley@fsis.usda.gov*.

Worldwide Commodity Codex Committees (Active)

Fats and Oils (Host Government—Malaysia)

U.S. Delegate

Dr. Paul South, Acting Director, Division of Plant Products and Beverages, Office of Food Safety (HFS–317), Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD, USA 20740–3835, Phone: +1 (240) 402–1640, Fax: +1 (301) 436–2632, *Paul.South@fda.hhs.gov*.

Alternate Delegate

Robert A. Moreau, Ph.D., Research Leader, Eastern Regional Research Center, Agricultural Research Service, U.S. Department of Agriculture, 600 East Mermaid Lane, Wyndmoor, PA 19038, Phone: +1 (215) 233–6428, Fax: +1 (215) 233–6406, *robert.moreau@ars.usda.gov*.

Fish and Fishery Products (Host Government—Norway)

U.S. Delegate

Dr. William Jones, Director, Division of Seafood Safety, Office of Food Safety (HFS- 325), U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–2300, Fax: +1 (301) 436–2601, *William.Jones@fda.hhs.gov*.

Alternate Delegate

Vacant

Fresh Fruits and Vegetables (Host Government—Mexico)

U.S. Delegate

Dorian LaFond, International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0247, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *dorian.lafond@usda.gov*.

Alternate Delegate

Samir K. Assar, Ph.D., Director, Produce Safety Staff, Office of Food Safety, Food and Drug Administration, Phone: +1 (240) 402–1636, *Samir.Assar@fda.hhs.gov*.

Processed Fruits and Vegetables (Host Government—United States)

U.S. Delegate

Dorian LaFond, International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0247, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *Dorian.Lafond@usda.gov*.

Alternate Delegate

Yinqing Ma, Ph.D., Consumer Safety Officer, Office of Food Safety (HFS–317), Center for Food Safety and Applied Nutrition, U.S. Food and

Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–2479, Fax: +1 (301) 436–2632, *Yinqing.Ma@fda.hhs.gov*.

Spices and Culinary Herbs (Host Government—India)

U.S. Delegate

Dorian LaFond, International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0247, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *Dorian.Lafond@usda.gov*

Alternate Delegate

George C. Ziobro, Ph.D., Dairy and Egg Branch, HFS–316, Division of Plant and Dairy Food Safety, Office of Food Safety, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1965, *George.Ziobro@fda.hhs.gov*.

Worldwide Commodity Codex Committees (Adjourned) Cereals, Pulses and Legumes (Adjourned sine die) (Host Government—United States)

U.S. Delegate

Vacant

Cocoa Products and Chocolate (Adjourned sine die) (Host Government—Switzerland)

U.S. Delegate

Michelle Smith, Ph.D., Food Technologist, Office of Plant and Dairy Foods and Beverages, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (HFS–306), Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740–3835, Phone: +1 (240) 402–2024, Fax: +1 (301) 436–2651, *michelle.smith@fda.hhs.gov*.

Meat Hygiene (Adjourned sine die) (Host Government—New Zealand)

U.S. Delegate

Vacant

Milk and Milk Products (Host Government—New Zealand)

U.S. Delegate

Diane D. Lewis, Director, Grading and Standards Division, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, Phone: +1 (202) 690–0530, Fax: +1 (202) 720–2643, *Diane.Lewis@ams.usda.gov*.

Alternate Delegate

John F. Sheehan, Director, Division of Dairy, Egg and Meat Food Safety, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (HFS–3 15), Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1488, Fax: +1 (301) 436–2632, *john.sheehan@fda.hhs.gov*.

Natural Mineral Waters (Adjourned sine die) (Host Government—Switzerland)

U.S. Delegate

Lauren Posnick Robin, Sc.D., Review Chemist, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740–3835, Phone: +1 (240) 402–1639, Fax: +1 (301) 436–2632, *Lauren.Robin@fda.hhs.gov*.

Sugars (Host Government—United Kingdom)

U.S. Delegate

Vacant

Vegetable Proteins (Adjourned sine die)

U.S. Delegate

Vacant

Ad Hoc Intergovernmental Task Forces Animal Feeding (Host Government—Switzerland)

U.S. Delegate

Daniel G. McChesney, Ph.D., Director, Office of Surveillance & Compliance, Center for Veterinary Medicine, U.S. Food and Drug Administration, 7529 Standish Place, Rockville, MD 20855, Phone: +1 (240) 453–6830, Fax: +1 (240) 453–6880, *Daniel.McChesney@fda.hhs.gov*.

Alternate Delegate

Dr. Patty Bennett, Branch Chief, Risk Assessment Division, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, 901 Aerospace Center, Washington, DC 20250, Phone: +1 (202) 690–6189, *patty.bennett@fsis.usda.gov*.

Antimicrobial Resistance (Host government—Republic of Korea)

U.S. Delegate

David G. White, M.S., Ph.D., Director, Office of Research, U.S. Food and Drug Administration, Center for Veterinary Medicine, 8401 Muirkirk Road, Laurel, MD 20708, Phone: +1 (301) 210–4187, Fax: +1 (301) 210–4685, *David.White@fda.hhs.gov*.

Alternate Delegate

Neena Anandaraman, DVM, MPH, Veterinary Medical Officer, Applied Epidemiology Division, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Stop 3777, PP3, 9–241B, 1400 Independence Avenue SW., Washington, DC 20250, Phone: +1 (202) 690–6429, Fax: +1 (202) 690–6364, *neena.anandaraman@fsis.usda.gov*.

[FR Doc. 2015–14306 Filed 6–10–15; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the West Virginia Advisory Committee

AGENCY: 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 planning meeting of the West Virginia Advisory Committee to the Commission will convene at 10:00 a.m. EDT on Friday, June 26, 2015, by teleconference. The purpose of the meeting is to discuss plans for a future public briefing meeting on the civil rights concerns under the Americans with Disabilities Act (ADA) about the treatment of persons with mental health disabilities in the West Virginia Criminal Justice System and West Virginia Mental Health Court.

Interested members of the public may listen to the discussion by calling the following toll-free conference call number 1–888–510–1765 and conference call code: 8558900#. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). 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 discussion by first calling the Federal Relay Service at 1–

800–977–8339 and providing the operator with the conference call number 1–888–510–1765 and conference call ID code 8558900#.

Members of the public are invited to submit written comments; the comments must be received in the regional office by Monday, July 27, 2015. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=2681* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

Welcome and Introductions

Tara Martinez, Vice Chair

Discuss Plans for Future Briefing Meeting

WV State Advisory Committee

Administrative Matters

Ivy L. Davis, DFO

DATES: Friday, June 26, 2015 at 10:00 a.m. (EDT).

ADDRESSES: The meeting will be held via teleconference:

Conference Call-in Number: 1–888–510–1765; Conference Call ID code: 8558900#.

TDD: Dial Federal Relay Service 1–800–977–8339 and give the operator the above

Conference Call-in number and Conference Call ID code.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis at *ero@usccr.gov,* or 202–376–7533.

Dated: Friday, June 5, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–14237 Filed 6–10–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–924]

Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 5, 2014, the Department of Commerce (the ''Department'') published its *Preliminary Results* in the 2012–2013 administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from the People's Republic of China (PRC).[1] The period of review (''POR'') is November 1, 2012, through October 31, 2013. This review covers four companies: Shaoxing Xiangyu Green Packing Co. Ltd. (''Green Packing'') and Tianjin Wanhua Co., Ltd. (''Wanhua''), which were subject to individual examination, as well as Fuwei Films (Shandong) Co., Ltd. (''Fuwei Films'') and Sichuan Dongfang Insulating Material Co., Ltd., (''Dongfang'').[2] Based on our analysis of the comments received, we made certain changes to our margin calculations for Wanhua. The final dumping margins for this review are listed in the ''Final Results'' section below.

DATES: *Effective Date:* June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Martin or Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3936 or (202) 482–3518, respectively.

Background

On December 5, 2014, the Department published its *Preliminary Results* in this review. We received case briefs from Mitsubishi Polyester Film, Inc. and SKC, Inc. (collectively ''Petitioners''), Green Packing, and Wanhua on January 14, 2015.[3] On January 26, 2015, Petitioners and Wanhua submitted rebuttal briefs.[4] On March 23, 2015, Green Packing and Wanhua resubmitted case briefs and Petitioners resubmitted its rebuttal brief[5] to redact certain untimely new factual information.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

For the full text of the scope of the order, *see* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Final Results of the 2012–2013 Administrative Review,'' (''Issues and Decision Memorandum''), dated concurrently with this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments and Partial Rescission of Review; 2012–2013,* 79 FR 72166 (December 5, 2014) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum. The Department notes that Fuwei Films and Dongfang had no reviewable entries.

[2] The review of Huangshi Yucheng Trade Co., Ltd. was rescinded. *See Preliminary Results.*

[3] *See* Letter from Petitioners to the Secretary of Commerce, ''Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Petitioners' Case Brief,'' dated January 14, 2015. Also, on January 14, 2015, the Department received a letter in lieu of a case brief from Terphane, Inc., in which Terphane, Inc. states that it supports the Department preliminary results and arguments made by Petitioners in Petitioners' case brief. *See* Wanhua's and Green Packing's resubmitted case briefs dated March 23, 2015.

[4] See Letter from Wanhua to the Secretary of Commerce, ''Polyethylene Terephthalate (PET) Film from the People's Republic of China; A–570–924; Rebuttal Brief,'' dated January 26, 2015 (''Wanhua Rebuttal Brief''). Also, on January 26, 2015, the Department received a letter in lieu of a rebuttal brief from Terphane, Inc., in which Terphane, Inc. states that it supports all arguments made by Petitioners in Petitioners' case brief. *See* Petitioners resubmitted rebuttal brief dated March 23, 2015.

[5] *See* Letter from Green Packing to the Secretary of Commerce ''Polyethylene Terephthalate (PET) Film from China,'' dated March 23, 2015; *see also* letter from Wanhua to the Secretary of Commerce, ''Polyethylene Terephthalate (PET) Film from the People's Republic of China; A–570–924; Resubmission of Case Brief,'' dated March 23, 2015; *see also* letter from Petitioners to the Secretary of Commerce, ''Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Resubmission of Petitioners' Rebuttal Brief,'' dated March 23, 2015.

issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we revised the margin calculations for Wanhua. Specifically, we corrected two errors in our calculations by deducting marine insurance expenses [6] and value added taxes [7] from Wanhua's U.S. sales prices, both of which we inadvertently failed to deduct in the *Preliminary Results.*

Final Determination of No Shipments

For these final results, the Department continues [8] to find that Fuwei Films and Dongfang did not have any reviewable entries during the POR.[9]

Final Results

We determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percentage)
Shaoxing Xiangyu Green Packing Co. Ltd	35.10
Tianjin Wanhua Co., Ltd	72.15

[6] *See* Issues and Decision Memorandum at Comment 6.

[7] *See* Memorandum from Jonathan Hill, International Trade Compliance Analyst to Howard Smith, Program Manager, AD/CVD Operation, Office IV ''Analysis for the Final Results of the 2012–2013 Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Film, Sheet and Strip from the People's Republic of China: Tianjin Wanhua Co., Ltd.,'' dated concurrently with this notice.

[8] *See Preliminary Results* and accompanying Preliminary Decision Memorandum at ''Preliminary Determination of No Shipments.''

[9] *See* Issues and Decision Memorandum at Comment 1.

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), the Department will calculate importer- (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise.[10] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate (*i.e.,* 76.72 percent).[11] Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate listed for each exporter in the table in the ''Final Results'' section of this notice; (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

[10] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

Disclosure

We intend to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (''APO'')

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing these results of administrative review and publishing

notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 3, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary
Scope of the Order
Discussion of the Issues
I. General Issues
Comment 1: Respondent Selection
Comment 2: Surrogate Country Selection
A. Whether South Africa is a Significant Producer of Comparable Merchandise
B. Quality of the Indonesian and South African Surrogate Value Data
C. Surrogate Financial Statements
Comment 3: SV for Paper Core
II. Company-Specific Issues
Comment 4: Treatment of Green Packing's Reintroduced PET By-Product
Comment 5: Value-Added Tax (''VAT'') Adjustment to Wanhua's U.S. Sales Price
Comment 6: Deduction of Marine Insurance from Wanhua's U.S. Sales Prices
Recommendation

[FR Doc. 2015–14349 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Procedures for Considering Requests and Comments From the Public for Textile and Apparel Safeguard Actions on Imports From Colombia

AGENCY: International Trade Administration (ITA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 10, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Mease, Office of Textiles and Apparel, U.S. Department of Commerce, Telephone: 202–482–2043, Email: *Laurie.Mease@trade.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Title III, Subtitle B, Section 321 through Section 328 of the United States-Colombia Trade Promotion Agreement Implementation Act (the ''Act'') [Pub. L. 112–42] implements the textile and apparel safeguard provisions, provided for in Article 3.1 of the United States-Colombia Trade Promotion Agreement (the ''Agreement''). This safeguard mechanism applies when, as a result of the elimination of a customs duty under the Agreement, a Colombian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In these circumstances, Article 3.1 permits the United States to increase duties on the imported article from Colombia to a level that does not exceed the lesser of the prevailing U.S. normal trade relations (NTR)/most-favored-nation (MFN) duty rate for the article or the U.S. NTR/MFN duty rate in effect on the day before the Agreement entered into force.

The Statement of Administrative Action accompanying the Act provides that the Committee for the Implementation of Textile Agreements (CITA) will issue procedures for requesting such safeguard measures, for making its determinations under Section 322(a) of the Act, and for providing relief under section 322(b) of the Act.

In Proclamation No. 8818 (77 FR 29519, May 18, 2012), the President delegated to CITA his authority under Subtitle B of Title III of the Act with respect to textile and apparel safeguard measures.

CITA must collect information in order to determine whether a domestic textile or apparel industry is being adversely impacted by imports of these products from Colombia, thereby allowing CITA to take corrective action to protect the viability of the domestic textile industry, subject to section 322(b) of the Act.

Pursuant to Section 321(a) of the Act and Section (9) of Presidential Proclamation 8818, an interested party in the U.S. domestic textile and apparel industry may file a request for a textile and apparel safeguard action with CITA. Consistent with longstanding CITA practice in considering textile safeguard actions, CITA will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) A domestic producer or producers of an article that is like or directly competitive with the subject Colombian textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like or directly competitive with the subject Colombian textile or apparel article.

In order for a request to be considered, the requester must provide the following information in support of a claim that a textile or apparel article from Colombia is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article: (1) Name and description of the imported article concerned; (2) import data demonstrating that imports of a Colombian origin textile or apparel article that are like or directly competitive with the articles produced by the domestic industry concerned are increasing in absolute terms or relative to the domestic market for that article; (3) U.S. domestic production of the like or directly competitive articles of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof, along with an affirmation that to the best of the requester's knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S. origin; (4) imports from Colombia as a percentage of the domestic market of the like or directly competitive article; and (5) all data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage or actual threat thereof caused by imports from Colombia to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis therefore.

If CITA determines that the request provides the information necessary for it to be considered, CITA will publish a notice in the **Federal Register** seeking public comments regarding the request. The comment period shall be 30

calendar days. The notice will include a summary of the request. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

CITA will make a determination on any request it considers within 60 calendar days of the close of the comment period. If CITA is unable to make a determination within 60 calendar days, it will publish a notice in the **Federal Register**, including the date it will make a determination.

If a determination under Section 322(b) of the Act is affirmative, CITA may provide tariff relief to a U.S. industry to the extent necessary to remedy or prevent serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition. The import tariff relief is effective beginning on the date that CITA's affirmative determination is published in the **Federal Register**.

Entities submitting requests, responses or rebuttals to CITA may submit both a public and confidential version of their submissions. If the request is accepted, the public version will be posted on the dedicated Colombia Trade Promotion Agreement textile safeguards section of the Office of Textiles and Apparel (OTEXA) Web site. The confidential version of the requests, responses or rebuttals will not be shared with the public as it may contain business confidential information. Entities submitting responses or rebuttals may use the public version of the request as a basis for responses.

II. Method of Collection

When an interested party files a request for a textile and apparel safeguard action with CITA, ten copies of any such request must be provided in a paper format. If business confidential information is provided, two copies of a non-confidential version must also be provided.

III. Data

OMB Control Number: 0625–0271.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 6 (1 for Request; 5 for Comments).

Estimated Time per Response: 4 hours for a Request; and 4 hours for each Comment.

Estimated Total Annual Burden Hours: 24.

Estimated Total Annual Cost to Public: $960.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 5, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–14217 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States—Colombia Trade Promotion Agreement (U.S.-Colombia TPA)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 10, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Mease, Office of Textiles and Apparel, Telephone: 202–482–2043, Email: *Laurie.Mease@trade.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Title II, Section 203(o) of the United States-Colombia Trade Promotion Agreement Implementation Act (the ''Act'') [Public Law 112–42] implements the commercial availability provision provided for in Article 3.3 of the United States-Colombia Trade Promotion Agreement (the ''Agreement''). The Agreement entered into force on May 15, 2012. Subject to the rules of origin in Annex 4.1 of the Agreement, pursuant to the textile provisions of the Agreement, fabric, yarn, and fiber produced in Colombia or the United States and traded between the two countries are entitled to duty-free tariff treatment. Annex 3–B of the Agreement also lists specific fabrics, yarns, and fibers that the two countries agreed are not available in commercial quantities in a timely manner from producers in Colombia or the United States. The fabrics listed are commercially unavailable fabrics, yarns, and fibers, which are also entitled to duty-free treatment despite not being produced in Colombia or the United States.

The list of commercially unavailable fabrics, yarns, and fibers may be changed pursuant to the commercial availability provision in Chapter 3, Article 3.3, Paragraphs 5–7 of the Agreement. Under this provision, interested entities from Colombia or the United States have the right to request that a specific fabric, yarn, or fiber be added to, or removed from, the list of commercially unavailable fabrics, yarns, and fibers in Annex 3–B of the Agreement.

Chapter 3, Article 3.3, paragraph 7 of the Agreement requires that the President ''promptly'' publish procedures for parties to exercise the right to make these requests. Section 203(o)(4) of the Act authorizes the President to establish procedures to modify the list of fabrics, yarns, or fibers not available in commercial quantities in a timely manner in either the United States or Colombia as set out in Annex 3–B of the Agreement. The President delegated the responsibility for publishing the procedures and administering commercial availability requests to the Committee for the Implementation of Textile Agreements (''CITA''), which issues procedures and acts on requests through the U.S.

Department of Commerce, Office of Textiles and Apparel (''OTEXA'') (See Proclamation No. 8818, 77 FR 29519, May 18, 2012).

The intent of the U.S.-Colombia TPA Commercial Availability Procedures is to foster the use of U.S. and regional products by implementing procedures that allow products to be placed on or removed from a product list, on a timely basis, and in a manner that is consistent with normal business practice. The procedures are intended to facilitate the transmission of requests; allow the market to indicate the availability of the supply of products that are the subject of requests; make available promptly, to interested entities and the public, information regarding the requests for products and offers received for those products; ensure wide participation by interested entities and parties; allow for careful review and consideration of information provided to substantiate requests, responses and rebuttals; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

CITA must collect certain information about fabric, yarn, or fiber technical specifications and the production capabilities of Colombian and U.S. textile producers to determine whether certain fabrics, yarns, or fibers are available in commercial quantities in a timely manner in the United States or Colombia, subject to Section 203(o) of the Act.

II. Method of Collection

Participants in a commercial availability proceeding must submit public versions of their Requests, Responses or Rebuttals electronically (via email) for posting on OTEXA's Web site. Confidential versions of those submissions which contain business confidential information must be delivered in hard copy to the Office of Textiles and Apparel (OTEXA) at the U.S. Department of Commerce.

III. Data

OMB Control Number: 0625–0272.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or for-profit organizations.

Estimated Number of Respondents: 16.

Estimated Time per Response: 8 hours per Request, 2 hours per Response, and 1 hour per Rebuttal.

Estimated Total Annual Burden Hours: 89.

Estimated Total Annual Cost to Public: $5,340.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 5, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–14218 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD944

Determination That Italy Is Not a Large-Scale High Seas Driftnet Nation

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

ACTION: Notice.

SUMMARY: Under the High Seas Driftnet Fisheries Enforcement Act and the Dolphin Protection Consumer Information Act (DPCIA), the Secretary of Commerce has determined that Italy no longer has vessels that use large-scale driftnets to fish on the high seas. Therefore, shipments of certain fish and fish products from Italy are no longer required to be accompanied by a Fisheries Certificate of Origin (NOAA Form 370) for importation into the United States, and any NOAA Form 370 used for fish or fish products from Italy no longer requires certification that the fish was not harvested with large-scale driftnets on the high seas.

DATES: Effective June 4, 2015.

FOR FURTHER INFORMATION CONTACT: Paul Niemeier, Foreign Affairs Specialist; telephone: 301–427–8371, *paul.niemeier@noaa.gov.*

SUPPLEMENTARY INFORMATION: On March 28, 1996, the U.S. Secretary of Commerce identified Italy pursuant to the U.S. High Seas Driftnet Fisheries Enforcement Act, 16 U.S.C. 1826a–1826c, as a nation for which there was reason to believe its nationals or vessels were conducting large-scale high seas driftnet fishing in contravention to United Nations General Assembly Resolution 46/215. The identification invoked, among other things, the provision of the DPCIA, 16 U.S.C. 1371(a)(2)(F) that requires that an exporting nation whose fishing vessels engage in high seas driftnet fishing provide documentary evidence that certain fish and fish products (specified in regulations at 50 CFR 216.24(f)(2)) it wishes to export to the United States were not harvested with large-scale driftnets anywhere on the high seas. Effective May 29, 1996, all shipments from Italy containing the specified fish and fish products became subject to this driftnet reporting requirement.

The reporting requirement has persisted to the present day as a deterrent to large-scale high seas driftnet fishing by Italy. The United States has not received any reports of Italian fishing vessels employing large-scale driftnets on the high seas since 2008. On April 2, 2015, the Government of Italy sent notification which certified that no Italian vessel is involved in the use of large-scale driftnets on the high seas. Italy will no longer be required to provide documentary evidence that certain fish and fish products (specified in U.S. regulations at 50 CFR 216.24(f)(2)(i) and (ii)) it wishes to export to the United States were not harvested with large-scale driftnets on the high seas. Furthermore, fish and fish products exported from Italy, and imported into the United States under Harmonized Tariff Schedule (HTS) numbers specified in U.S. regulations at 50 CFR 216.24(f)(2)(iii), will no longer need to be accompanied by a Fisheries Certificate of Origin (NOAA Form 370).

The HSDFEA furthers the purposes of United Nations General Assembly Resolution 46/215, which called for a worldwide ban on large-scale high seas driftnet fishing beginning December 31, 1992.

The DPCIA (16 U.S.C. 1371(a)(2)(F)) requires that an exporting nation whose fishing vessels engage in high seas driftnet fishing provide documentary evidence that certain fish or fish products it wishes to export to the United States were not harvested with a large-scale driftnet on the high seas. As

required by 50 CFR 216.24(f)(2), the NOAA Form 370 must accompany all imported shipments of an item with an HTS number listed in that section harvested by or imported from a large-scale driftnet nation.

As of the effective date of this notice, a certification by an Italian Government representative attesting that the fish or fish products were not harvested by a large-scale driftnet on the high seas will no longer be required in Section 7 of the NOAA Form 370 for the HTS numbers specified in 50 CFR 216.24(f)(2)(i) and (ii). Furthermore, a NOAA Form 370 will no longer be required for any importation from Italy for the non-tuna fish and fish products classified with the HTS numbers specified at 50 CFR 216.24(f)(2)(iii).

Dated: June 4, 2015.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–14326 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Fisheries Finance Program Requirements.

OMB Control Number: 0648–0012.

Form Number(s): NOAA 88–1.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 451.

Average Hours per Response: Applications, 10 hours; annual financial statements from current borrowers, 2 hours.

Burden Hours: 1,502.

Needs and Uses: This request is for extension of a currently approved information collection.

The National Oceanic and Atmospheric Administration (NOAA) operates a direct loan program to assist in financing certain actions relating to commercial fishing vessels, shoreside fishery facilities, aquaculture operations, and individual fishing quotas. Application information is required to determine eligibility pursuant to 50 CFR part 253 and to determine the type and amount of assistance requested by the applicant. An annual financial statement is required from the recipients to monitor the financial status of the loan.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 5, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–14238 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: National Oceanic and Atmospheric Administration's Papahanaumokuakea Marine National Monument and University of Hawaii Research Internship Program

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 20.

Average Hours per Response: 1 hour each for applications, references and support letters.

Burden Hours: 80.

Needs and Uses: This request is for a new collection of information. The National Oceanic and Atmospheric Administration's (NOAA's) Papahānaumokuākea Marine National Monument (PMNM) would like to collect student data and information for the purposes of selecting candidates for its research internship program in partnership with the University of Hawaii. The application package would contain: (1) A form requesting information on academic background and professional experiences, (2) reference forms in support of the internship application by two educational or professional references, and (3) a support letter from one academic professor or advisor.

Affected Public: Individuals or households; not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 5, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–14239 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of Review in Part; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On September 8, 2014, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order [1] on hand trucks and certain parts thereof (hand trucks) from the People's Republic of China (PRC).[2] The period of review (POR) is December 1, 2012, through November 30, 2013. This administrative review covers three exporters of the

[1] *See Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China,* 69 FR 70122 (December 2, 2004).

[2] *See Hand Trucks and Certain Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 53167 (September 8, 2014) (*Preliminary Results*).

subject merchandise: New-Tec Integration (Xiamen) Co., Ltd. (New-Tec); Yangjiang Shunhe Industrial Co. (Shunhe); and Full Merit Enterprise Limited (Full Merit).

Based upon our analysis of the comments and information received following the *Preliminary Results,* we made changes to the margin calculations for these final results. The final dumping margin is listed below in the ''Final Results of the Review'' section of this notice. We continue to find that Shunhe is part of the PRC-wide entity (*see ''No Shipments Claim,'' infra*). In addition, we are rescinding this review with respect to Full Merit at this time (*see* ''Rescission of Review, in Part,'' *infra*).

FOR FURTHER INFORMATION CONTACT: Scott Hoefke, or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4947 or (202) 482–0649, respectively.

DATES: *Effective Date:* June 11, 2015.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 2014, the Department published in the **Federal Register** the *Preliminary Results* of the 2012–2013 administrative review of the antidumping duty order on hand trucks from the PRC. In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results.* On October 8, 2014, Cosco Home and Office Products (Cosco), a U.S. importer, submitted a case brief. No other comments were submitted to the Department.

Scope of the Order

The merchandise subject to the order consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof. They are typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.50.90 and 8716.90.50.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive. A full description of the scope of the order is contained in the Final Issues and Decision Memorandum dated concurrently with and hereby adopted by this notice.[3]

Analysis of Comments Received

All issues raised by parties in this administrative review are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is electronically available via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[4] ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046, of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

No Shipments Claim

Shunhe submitted certifications of no shipments. Because Shunhe was, at the outset of this administrative review, and continues to be part of the PRC-wide entity in this administrative review, the Department did not make a determination of no shipments.[5] Subsequent to the *Preliminary Results,* the Department did not receive any information that indicated anything to the contrary. The Department therefore finds for these final results that Shunhe continues to remain part of the PRC-wide entity.

Rescission of Review, in Part

In the *Preliminary Results,* the Department noted that it would rescind the review with respect to Full Merit in the final results if the PRC-wide entity did not come under review in this administrative review. Subsequent to the *Preliminary Results,* the Department did not receive any comments or information which indicated that Full Merit or the PRC-wide entity should be reviewed. Therefore, pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review with respect to this company.

Changes Since the Preliminary Results

Based on a review of the record and comments received from an interested party regarding our *Preliminary Results,* we made certain revisions to the margin calculations for New-Tec. Specifically, the Department adjusted financial ratio calculations for surrogate values and adjusted the surrogate values for energy.[6]

Separate Rates Determination

In our *Preliminary Results,* we determined that New-Tec met the criteria for separate rate status. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this preliminary finding. Therefore, the Department continues to find that New-Tec meets the criteria for a separate rate.

Final Results of the Review

The Department determines that the following final dumping margin exists for the period December 1, 2012, through November 30, 2013:

Exporter	Weighted-average margin (percent)
New-Tec Integration (Xiamen) Co., Ltd	0.00

Disclosure

The Department will disclose to parties in this proceeding the calculations performed within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), the Department determines, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of this review. The Department

[3] *See* Memorandum to Ronald K. Lorentzen, ''Hand Trucks and Certain Parts Thereof from the People's Republic of China: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2012–2013'' (Issues and Decision Memorandum), dated concurrently with and adopted by this notice, for a complete description of the Scope of the Order.

[4] On November 2, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (IA ACCESS) to AD and CVD Centralized Electronic Service System (ACCESS). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the regulations can be found at 79 FR 69046 (November 20, 2014).

[5] See *Preliminary Results* and accompanying Preliminary Decision Memorandum at 3.

[6] *See* Issues and Decisions Memorandum; *see also* Memorandum to the File, ''Analysis for the Final Results of Hand Trucks and Certain Parts Thereof from the People's Republic of China: New-Tec'' (January 6, 2015).

intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of the final results of this review. Because we have calculated a zero margin for New-Tec in the final results of this review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

On October 24, 2011, the Department announced a refinement to its assessment practice in NME cases.[7] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[8]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by New-Tec, which has a separate rate, the cash deposit rate will be that established in the final results of this review, except, if the rate is zero or *de minimis,* then zero cash deposit will be required; (2) for any previously reviewed or investigated PRC and non-PRC exporter not listed above that received a separate rate in a previous segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 383.60 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied the non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

[7] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[8] *Id.*

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: June 4, 2015.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Comments Discussed in the Accompanying Final Issues and Decision Memorandum

Summary
Background
Scope of the Order
No Shipments Claim
Rescission in Part
Discussion of the Issues
  Comment 1: Whether to use TS Steel's Financial Statement
  Comment 2: Whether to use Thai Trolley's Financial Statement
  Comment 3: Use of Jenbunjerd's Financial Statement
  Comment 4: Surrogate Values for Energy
Recommendation

[FR Doc. 2015–14365 Filed 6–10–15; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2011–0019]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Safety Standard for Portable Bed Rails

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (''PRA'') of 1995 (44 U.S.C. chapter 35), the Consumer Product Safety Commission (''Commission'' or ''CPSC'') announces that the Commission has submitted to the Office of Management and Budget (''OMB'') a request for extension of approval of a collection of information associated with the CPSC's Safety Standard for Portable Bed Rails (OMB No. 3041–0149). In the **Federal Register** of March 19, 2015 (80 FR 14367), the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information, without change.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by July 13, 2015.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2011–0019.

FOR FURTHER INFORMATION CONTACT: For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC has submitted the following currently approved collection of information to OMB for extension:

Title: Safety Standard for Portable Bed Rails.

OMB Number: 3041–0149.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of portable bed rails.

Estimated Number of Respondents: 17 firms supplying portable bed rails to the United States Market have been identified with an estimated 2 models/firm annually.

Estimated Time per Response: 1 hour/model associated with marking, labeling, and instructional requirements.

Total Estimated Annual Burden: 34 hours (17 firms × 2 models × 1 hour).

General Description of Collection: The Commission issued a safety standard for portable bed rails (16 CFR part 1224) on February 29, 2012 (77 FR 12182). The standard is intended to address hazards to children from use of portable bed rails. Among other requirements, the standard requires manufacturers, including importers, to meet the collection of information requirements for marking, labeling, and instructional literature for portable bed rails.

Dated: June 8, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–14263 Filed 6–10–15; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Basic Energy Sciences Advisory Committee (BESAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Tuesday, July 7, 2015 8:30 a.m. to 5:00 p.m.

Wednesday, July 8, 2015 8:00 a.m. to 12:00 noon.

ADDRESSES: Bethesda North Hotel and Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

FOR FURTHER INFORMATION CONTACT: Katie Runkles; Office of Basic Energy Sciences; U.S. Department of Energy; Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–6529.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of this Board is to make recommendation to DOE–SC with respect to the basic energy sciences research program.

Tentative Agenda:

- Call to Order, Introductions, Review of the Agenda
- News from the Office of Science
- News from the Office of Basic Energy Sciences
- Report by the BESAC Subcommittee on Transformational Opportunities
- LCLS–II Update
- Materials Sciences and Engineering Division Strategic Planning Process
- Chemical Sciences, Geosciences, and Biosciences Division Strategic Planning Process
- Materials Sciences and Engineering Division Committee of Visitors Report
- Advanced Photon Source Update and Response to the BESAC Future Light Source Report
- Public Comment Session
- Adjourn

Breaks Taken as Appropriate

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Katie Runkles at (301) 903–6594 (fax) or *katie.runkles@science.doe.gov* (email). Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days by contacting Katie Runkles at the address above.

Issued in Washington, DC, on June 5, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–14299 Filed 6–10–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Wednesday, July 8, 2015 2:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda:

- Call to Order and Introductions
- Approval of Agenda
- Approval of Minutes from May 13, 2015
- Old Business
- New Business
- Update from Executive Committee
- Update from DOE

- Presentation by DOE
- Public Comment Period
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on June 8, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–14301 Filed 6–10–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[EERE–2014–BT–DET–0030]

RIN 1904–AD33

Determination Regarding Energy Efficiency Improvements in the 2015 International Energy Conservation Code (IECC)

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

ACTION: Notice of determination.

SUMMARY: The U.S. Department of Energy (DOE) has determined that the 2015 edition of the International Energy Conservation Code (IECC) would improve energy efficiency in buildings subject to the code compared to the 2012 edition. DOE analysis indicates that buildings meeting the 2015 IECC (as compared with buildings meeting the 2012 IECC) would result in national source energy savings of approximately 0.87 percent, site energy savings of approximately 0.98 percent, and energy cost savings of approximately 0.73 percent of residential building energy consumption, as regulated by the IECC. Upon publication of this affirmative determination, each State is required by statute to certify that it has reviewed the provisions of its residential building code regarding energy efficiency, and made a determination as to whether to update its code to meet or exceed the 2015 IECC. Additionally, this notice provides guidance to States on these processes and associated certifications.

DATES: Certification statements provided by States must be submitted by June 12, 2017.

ADDRESSES: Certification Statements must be addressed to the Building Technologies Office—Building Energy Codes Program Manager, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., EE–5B, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Jeremiah Williams; U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., EE–5B, Washington, DC 20585; (202) 287–1941; *Jeremiah.Williams@ee.doe.gov.*

For legal issues, please contact Kavita Vaidyanathan; U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW., GC–33, Washington, DC 20585; (202) 586–0669; *Kavita.Vaidyanathan@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction
  A. Statutory Authority
  B. Background
  C. Public Comments Regarding the Determination
II. Methodology
III. Summary of Findings
IV. Determination Statement
V. State Certification
VI. Regulatory Review & Analysis

I. Introduction

A. Statutory Authority

Title III of the Energy Conservation and Production Act (ECPA), as amended, establishes requirements for building energy conservation standards, administered by the DOE Building Energy Codes Program. (42 U.S.C. 6831 *et seq.*) Section 304(a), as amended, of ECPA provides that whenever the 1992 Model Energy Code (MEC), or any successor to that code, is revised, the Secretary of Energy (Secretary) must make a determination, not later than 12 months after such revision, whether the revised code would improve energy efficiency in residential buildings, and must publish notice of such determination in the **Federal Register**. (42 U.S.C. 6833(a)(5)(A)) The Secretary may determine that the revision of the 1992 MEC, or any successor thereof, improves the level of energy efficiency in residential buildings. If so, then not later than two years after the date of the publication of such affirmative determination, each State is required to certify that it has reviewed its residential building code regarding energy efficiency, and made a determination as to whether it is appropriate to revise its code to meet or exceed the provisions of the successor code. (42 U.S.C. 6833(a)(5)(B)) State determinations are to be made: (1) After public notice and hearing; (2) in writing; (3) based upon findings included in such determination and upon evidence presented at the hearing; and (4) available to the public. (*See* 42 U.S.C. 6833(a)(2)) In addition, if a State determines that it is not appropriate to revise its residential building code, the State is required to submit to the Secretary, in writing, the reasons, which are to be made available to the public. (*See* 42 U.S.C. 6833(a)(4))

ECPA requires the Secretary to permit extensions of the deadlines for the State certification if a State can demonstrate that it has made a good faith effort to comply with the requirements of section 304(a) of ECPA, and that it has made significant progress in doing so. (42 U.S.C. 6833(c)) DOE is also directed to provide technical assistance to States to support implementation of State residential and commercial building energy efficiency codes. (42 U.S.C. 6833(d))

B. Background

The International Energy Conservation Code (IECC) is the national model code establishing energy efficiency requirements for residential buildings. The IECC is revised every 3 years through a code development and consensus process administered by the International Code Council (ICC) [1]. Code change proposals may be submitted by any interested party, and are evaluated through a series of public hearings. As part of the ICC process, any interested party may submit proposals, as well as written comments or suggested changes to any proposal, and make arguments before a committee of experts assembled by the ICC. At the final public hearing, arguments are presented to and voted

[1] More information on the ICC code development and consensus process is described at *http://www.iccsafe.org/cs/codes/Pages/procedures.aspx.*

upon by the ICC Governmental Member Representatives, with the collection of accepted proposals forming the revised edition of the IECC. The ICC published the 2015 edition of the IECC (2015 IECC or 2015 edition) on June 3, 2014, which forms the basis of this determination notice.

In arriving at its determination, DOE reviewed all changes between the 2012 and 2015 editions of the IECC with respect to residential buildings. Accordingly, DOE published a Notice of Preliminary Determination regarding the 2015 IECC in the **Federal Register** on September 26, 2014 (79 FR 57915).

C. Public Comments Regarding the Determination

DOE accepted public comments on the Notice of Preliminary Determination for the 2015 IECC until October 27, 2014. DOE received timely submissions from a total of five submitters.

TABLE I—INVENTORY OF PUBLIC COMMENTS RECEIVED

Submitter	Number of comments	Public docket reference
International Code Council (ICC)	3	EERE–2014–BT–DET–0030–0002
National Association of Home Builders (NAHB)	2	EERE–2014–BT–DET–0030–0003
Responsible Energy Codes Alliance (RECA)	9	EERE–2014–BT–DET–0030–0004
Natural Resources Defense Council (NRDC)	4	EERE–2014–BT–DET–0030–0005
Individual Commenter (Conner)	1	EERE–2014–BT–DET–0030–0006

ICC's first comment offers general support for DOE's preliminary determination. (ICC, No. 2 at p. 2) [2] In its second comment, ICC suggests DOE accompany its 2015 IECC determination with ''previously released information regarding the increased efficiency of the 2012 IECC over the 2009 version, and the increased efficiency of the 2009 version over the 2006 version, in order to make it abundantly clear that the efficiency of the 2015 IECC is much higher than versions of the IECC in use in many states and jurisdictions around the nation.'' (ICC, No. 2 at p. 2–3) DOE agrees with ICC's assessment that the provisions of the 2015 edition of the IECC are much more energy efficient than several earlier editions of the model code. In performing its determination, DOE evaluates the expected national impact of the new edition of the model code, in this case the 2015 IECC, against the most recent previous edition receiving an affirmative determination of energy savings, in this case the 2012 IECC (42 U.S.C. 6833(a)(5)(A)). However, DOE recognizes that the updated code represents a significant savings opportunity—in many cases up to 30 percent savings relative to codes currently adopted by U.S. states.[3] In response, DOE has added references to earlier determinations, as well as the associated energy savings estimates, in *Section V* of this notice. In its third comment, ICC suggests DOE ''emphasize that states are to compare the provisions of their current codes with the provisions and requirements of the 2015 IECC, and not assume that the percentage increase in efficiency for their respective state will be the same as the 1% increase measured by DOE over the provisions in the 2012 IECC.'' (ICC, No. 2 at p. 3) DOE acknowledges that States and localities should indeed consider the impact of updated model codes relative to the specific requirements in effect within the state or locality. In performing its determination, DOE evaluates the updated model code relative to the previous model code, and estimates the aggregate impact on national energy consumption. As many adopting states and localities make modifications to the model code, these entities should evaluate the impacts of the updated code relative to their own provisions. ICC further offers suggested communication options for DOE to consider: ''(1) DOE should transmit, with a cover letter offering assistance and cooperation, a copy of the final determination to the governor of each state, with a copy to the State Energy Office, and post a copy of the cover letter template on the DOE Building Energy Codes Web site. (2) DOE should provide, along with the cover letter and determination, a simple form response 'state determination form' in a format that allows the state officials charged with complying with the law the ability to check off whether the state (a) has reviewed its code, (b) has provided notice and an opportunity for comment in the state, (c) has made findings, (d) has published such findings, and (e) if the state has determined to revise its code a description of the new code, and if it has decided not to revise its residential building energy code, a space to provide the reasons for such decision. (3) The cover letter, as well as the proposed form for response to DOE, should prominently note the date on which the response to DOE is due. (4) DOE should publish on its Building Energy Codes Web site the response received from each state, as well as a list of states from which a response has not been received, updated on a regular basis. (5) Publishing the information on each state, and its response or non-response would allow citizens to become involved and ask questions of their public officials, and otherwise determine whether their state is in compliance with the law.'' (ICC, No. 2 at p. 3) DOE is currently evaluating the means by which it tracks the national implementation of building energy codes, and will consider the communication options proposed by ICC.

NAHB's first comment suggests that ''DOE's analysis of the pipe insulation was not properly calculated'' and noted that the actual net change made by this proposal was to increase the length of ¾-inch pipe requiring insulation by including runs shorter than 10 feet, while eliminating insulation requirements on smaller diameter piping. NAHB suggests ''by properly applying the new hot water pipe insulation requirements, the resulting energy savings will change.'' (NAHB, No. 3 at p. 1) DOE agrees with NAHB's comments relative to the net energy savings surrounding this particular proposal, and has revised its analysis accordingly. The revised estimated total energy cost savings compared to the 2012 IECC are now 0.73% compared to the preliminary estimate of 0.90% (see

[2] A notation in the form ''ICC, No. 2 at p. 2'' identifies a written comment that DOE received and has included in the docket of DOE's ''Preliminary Determination Regarding Energy Efficiency Improvements in the 2015 International Energy Conservation Code (Docket No. EERE–2014–BT–DET–0030), which is maintained at *www.regulations.gov*. This particular notation refers to a comment: (1) Submitted by ICC; (2) filed as document number 2 of the docket, and (3) appearing on page 2 of that document.

[3] Mendon et al., *Cost-Effectiveness Analysis of the 2009 and 2012 IECC Residential provisions—Technical Support Document* (PNNL, Richland, WA, April 2013), available at *http://www.energycodes.gov/sites/default/files/documents/State_CostEffectiveness_TSD_Final.pdf*.

Section III of this notice). NAHB's second comment notes that the ''International Code Council (ICC) originally had proposal RE112–13 listed as being approved to be included in the 2015 edition of the IECC. This proposal, however, was actually withdrawn by the proponent before it was approved on the consent agenda. As a result, the changes were not included in the 2015 IECC and thus, any reference to RE112–13 should be removed from the analysis.'' (NAHB, No. 3 at p. 2) DOE agrees with NAHB's comment and acknowledges that the subject proposal is not included in the 2015 IECC. DOE notes that the original documentation published by the ICC following the public hearing process inadvertently included this proposal, and it has since been confirmed that the proposal was withdrawn from consideration during the hearing process. DOE has revised this notice and supporting documentation accordingly. (Note that RECA offered a similar comment on RE112–13; *see* RECA, No. 4 at p. 3.)

RECA's first comment expresses general support for DOE's Preliminary Determination on the 2015 edition of IECC, DOE's evaluation methodology in both its quantitative and qualitative aspects, and DOE's conclusion that the 2015 IECC's weakening amendments are outweighed by its strengthening amendments. (RECA No. 4 at p. 1) In its second comment, RECA ''urges the Department to move ahead to finalize its Determination endorsing the 2015 IECC for state adoption''; ''to continue to provide materials to states and localities that will facilitate the adoption of, and compliance with, this latest edition of the IECC''; ''to expeditiously make training and compliance software available to states that adopt the 2015 IECC''; and ''to provide additional funding to those states that are early adopters of the 2015 IECC.'' (RECA No. 4 at p. 1, and 3) DOE acknowledges the need for materials that can assist in facilitating the adoption of the latest editions of the model code. While these activities are not directly within the scope of the DOE determination analysis, DOE is directed to provide technical assistance to states implementing building energy codes (42 U.S.C. 6833(d)), and does so through a variety of activities, such as state-specific energy and cost analysis, code compliance software, and a collection of technical resources. DOE intends to continue to provide such resources to assist states in implementing updated model codes, including adoption of such codes by states and localities, and increasing compliance with building energy codes to ensure intended consumer energy and cost savings. In its third comment, RECA agrees with DOE that, ''proposal RE68–13 slightly weakens sunroom fenestration requirements'', ''the impact should be very small'', and it, ''does not affect SHGC requirements'', but notes that ''the impact is on climate zones 2–3, not climate zone 1.'' (RECA No. 4 at p. 2) DOE agrees with RECA's comment and assessment of the subject proposal, and has revised the determination notice and supporting analysis accordingly. In its fourth comment, RECA disagrees with DOE that duct tightness levels tend to always be a ''zero sum trade-off'' as claimed in the Preliminary Determination, and suggests that ''the Department explicitly and correctly recognize the value of mandatory measures, and that removal of this mandatory backstop is a reduction in stringency in some cases, albeit likely modest, depending on the measure that replaces duct efficiency.'' (RECA No. 4 at p. 2–3) DOE agrees in principle with RECA's comment that energy neutrality depends on a variety of factors, including impacts over the useful life of alternative energy measures. In the case of building energy efficiency tradeoffs, the impact on longer-term energy savings can vary significantly between the measures being traded and the chosen alternative designs. In addition, DOE understands the purpose of mandatory requirements within the code, and while the subject proposal cannot directly be captured within the DOE quantitative analysis, DOE indeed acknowledges the potential effect on building energy efficiency in application. In its fifth comment, RECA notes that proposal RE112–13 ''was withdrawn prior to final consideration, and is thus not part of the 2015 IECC.'' (RECA No. 4 at p. 3) DOE agrees with this comment, as detailed above in response to NAHB's similar comment. In its sixth comment, RECA suggests that DOE should ''continue to assess the potential impact of changes to the IECC for compliance paths outside the prescriptive path'' averring that expanding the Department's ability to further assess such changes is in the public interest. (RECA No. 4 at p. 3) With specific reference to DOE's evaluation of the new ERI compliance path, RECA agrees with DOE's use of the prescriptive compliance path as the generally predominant path, but recommends ''this emphasis on the prescriptive path for the numerical analysis should not be read as limiting the overall assessment of all changes in the code, nor should it suggest that an edition of the code will receive a positive or negative determination solely on the basis of this quantitative analysis.'' RECA notes that in previous determinations, DOE has not historically limited itself to analyzing only changes to the prescriptive path, and encourages DOE not to limit itself to only considering changes to the prescriptive path in the future. RECA ''urges the Department to clarify in its Determination that it will continue to assess any changes made to the performance path, and any new compliance options (like ERI) that are added to the IECC going forward in future Determinations.'' DOE agrees with RECA's comment in principle, and acknowledges that changes in the 2015 IECC, as well as potential future changes to the IECC, are likely to require increasingly nuanced analyses of the changes' impacts. As stated in the preliminary notice, DOE plans to collect data specifically on the ERI path, and will consider means to broaden the scope of that commitment, as necessary, in the future. In addition, while the DOE Determination has typically focused on the mandatory and prescriptive requirements of the IECC, the Department reserves the right to evaluate other means of compliance when adequate information is available. In its seventh comment, RECA agrees with DOE that ''it is difficult to assess the impact of the new Energy Rating Index in the context of a Determination,'' but argues that ''DOE could reasonably conclude, based on the results of a Pacific Northwest National Laboratory study, that the new compliance path is reasonably likely to save energy as compared to compliance with the 2012 IECC prescriptive requirements on average, even if some individual homes could be weaker than those built to the 2012 IECC.'' [4] (RECA No. 4 at p. 5) DOE appreciates the comment and agrees, based on the referenced PNNL analysis, that most homes built using the ERI path, as specified in the 2015 IECC, are likely to be at least as efficient as the homes built to meet the prescriptive requirements of the IECC or the traditional performance path. In its eighth comment, RECA urges DOE to ''promote the proper adoption and implementation of the ERI as contained in the 2015 IECC, without any weakening amendments, including monitoring its deployment in states and cities going forward.'' RECA also

[4] Taylor et al., *Identification of RESNET HERS Index Values Corresponding to Minimal Compliance with the IECC* (PNNL, Richland, WA, May 2014), available at *http://www.energycodes.gov/hers-and-iecc-performance-path.*

recommends ''DOE develop and/or fund comprehensive support materials and training to help to ensure that the ERI is properly implemented,'' and that ''DOE should also consider how it can help to ensure that the ERI process produces consistent, repeatable, and credible results for code compliance.'' (RECA No. 4 at p. 5–7) DOE acknowledges the importance of the new ERI path in the 2015 IECC and its potential impact on energy as the code is implemented. While code implementation activities are outside the direct scope of the DOE determination, DOE does provide technical assistance to states implementing building energy codes (42 U.S.C. 6833(d)). DOE recognizes the need for continued analysis and support for states adopting the 2015 IECC, and will consider the requested activities, as able and appropriate, through the Building Energy Codes Program. In its ninth comment, RECA supports the ''Department's stated plan to collect data relevant to the ERI, as well as all compliance options allowed in the IECC.'' RECA further encourages the Department to ''reach out to industry and nonprofit partners to aggregate the data already available, and to explore new methods for collecting and analyzing data on the various compliance options and tools used across the country.'' (RECA No. 4 at p. 7) DOE acknowledges and appreciates RECA's support, and plans to work with the industry and stakeholders in evaluating the new ERI path and associated energy impact. As previously stated, DOE intends to collect relevant data and track the implementation of the ERI path relative to the traditional compliance options provided by the IECC. DOE will continue to communicate with interested and affected parties as the 2015 IECC is implemented and as further data and resulting analysis becomes available.

NRDC's first two comments offer general support for DOE's determination that the 2015 IECC saves energy compared to the 2012 IECC, for DOE's quantitative finding of energy savings, and for DOE's qualitative assessment of the specific code changes that will result in energy savings. (NRDC, No. 5 at p. 1–2) In its third comment NRDC suggests that ''actual energy savings from the 2015 IECC are likely to be much larger than indicated by DOE's analysis'', specifically suggesting that the ''new Energy Rating Index (ERI) pathway created by RE188–13 is likely to result in significant energy savings.'' (NRDC, No.5 at p.2) NRDC acknowledges that it is not knowable exactly how many homes will comply using the ERI pathway, but suggests it is certainly not zero. NRDC suggests that ''currently about half of new homes constructed in the U.S. are rated using the RESNET HERS rating'', and that ''it is likely a large percentage of these homes will choose to comply with the code via the ERI pathway, since this will likely be the simplest method of compliance.'' (NRDC, No. 5 at p. 2) NRDC further notes that a ''Pacific Northwest National Laboratory analysis of the HERS index's relationship to the 2012 IECC performance path found that for all climate zones the ERI values adopted in the 2015 IECC ranged from at least as efficient to substantially more efficient than the 2012 IECC, indicating that homes complying with the ERI path will on average achieve large energy savings compared to the 2012 IECC.'' (NRDC, No. 5 at p. 2) DOE agrees that the new alternative ERI compliance path, including the associated thresholds as published in the 2015 IECC, is reasonably likely to result in energy savings compared to the 2012 IECC and the majority of current state codes. However, DOE remains unaware of any current data source that would allow for adequate evaluation of the newly created path. DOE continues to base its evaluation of the new path on the recent analysis conducted by PNNL, as referenced in the preliminary determination notice. In its fourth comment, NRDC appreciates DOE's indication in the preliminary determination that ''it will attempt to collect data on the utilization of the various compliance pathways and evaluate whether it can quantify savings from compliance pathways other than the prescriptive path in future determinations'', and urges DOE to ''evaluate energy savings from the ERI pathway in future determinations, as currently the analysis leaves out this potential source of significant energy savings.'' (NRDC, No. 5 at p.2) DOE acknowledges the importance of evaluating the energy impact of the ERI alternative, but remains unaware of any current data source that would allow for adequate evaluation of the newly created path. DOE, therefore, maintains its intentions to track the adoption of the ERI path relative to traditional application of the IECC, and may further evaluate this path in future analyses.

One comment was received from an individual submitter, Craig Conner, who indicated that ''DOE made errors in estimating the residential energy savings for the change that included a new tropical option for residential construction (CE66-13 Part II, or CE66-II).'' (Conner No. 6 at p. 1) Mr. Conner suggests that ''DOE modeling was not done in accordance with the IECC standard reference design, and therefore is not as required for a determination.'' He further suggests that ''several major energy saving requirements provided by this new option were ignored or underestimated'', and argues that ''the definition of the Tropical Zone, which is a subset of existing IECC Climate Zone 1, does not by itself increase or decrease energy'', but that ''it is the associated requirements that would potentially affect energy use.'' (Conner No. 6 at p. 1) Mr. Conner cites three aspects of proposal CE66-13 Part II that should have been considered new energy-saving requirements rather than conditions under which other requirements may be lessened, as DOE interpreted them: The restriction that the home not be heated and that 50% of the home be uncooled, the restriction that 80% of domestic water heating be by solar or other renewable sources, and the restriction that natural ventilation be facilitated by operable windows. (Conner No. 6 at p. 1) In response, DOE appreciates Mr. Conner's comments, but does not agree with his assessment regarding the particular proposal. The IECC Standard Reference Design (SRD) is intended for demonstrating compliance of individual buildings, which differs from the aggregate national analysis applied in DOE determinations. Although the DOE building modeling prototypes and simulation methodology occasionally draw on SRD assumptions, where appropriate, they are also informed by additional sources that may better represent typical construction practices, and to estimate an expected impact of code changes. In this case, DOE considered typical construction affected by the newly defined Tropical Zone, and acknowledges the modified criteria associated with partially-conditioned homes (*e.g.,* with solar water heating systems and operable windows). However, it is not clear that these changes will encourage additional use of energy-saving features, and DOE has maintained its original assessment.

II. Methodology

In arriving at a determination, DOE reviewed all changes between the 2015 and 2012 editions of the IECC. The IECC covers a broad spectrum of the energy-related components and systems in buildings, ranging from simpler residential buildings to more complex multifamily facilities. For the purposes of its determination, DOE focused only on low-rise residential buildings, defined in a manner consistent with the

ICC and the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE). Low-rise residential buildings include one- and two-family detached and attached buildings, and low-rise multifamily buildings (not greater than three stories), such as condominiums and garden apartments. The 2015 IECC was developed through the same approach as the previous 2012 edition with approval through the ICC consensus process. The 2015 edition contains no significant changes to the overall scope or the structure of the prescriptive and mandatory provisions of the code, which form the basis of the DOE determination analyses. As a result, DOE determined that the methodology used for the analysis of the 2012 IECC should again be utilized for the analysis of the 2015 IECC.

Overview of Methodology

The analysis methodology used by DOE contains both qualitative and quantitative components. A qualitative comparison is undertaken to identify textual changes between requirements in the 2015 and 2012 editions of the IECC, followed by a quantitative assessment of energy savings conducted through whole-building simulations of buildings constructed to meet the minimum requirements of each code over a range of U.S. climates. The analysis methodology, which was previously developed through a public comment process, is available on the DOE Building Energy Codes Program Web site.[5]

Consistent with its previous determinations, DOE compared overall editions of the IECC, and did not issue determinations for individual code changes. DOE interprets the language in section 304(a) of ECPA to mean that when a comprehensive revision of the 1992 MEC, or its successor (which in this case is the 2015 IECC), is published, then that revised or successor code triggers the Secretary's obligation to issue a determination as to whether the revised code improves energy efficiency in residential buildings. (*See* 42 U.S.C. 6833(a)(5)(A)) This determination is made by comparing the revised or successor code to the last predecessor code.

Consideration for Technological and Economic Factors

Section 304(a) of ECPA states that the Secretary is required to make a determination as to whether any successor standard to the 1992 MEC will improve energy efficiency. (42 U.S.C. 6833(a)(5)(A)) Section 304 of ECPA does not include any reference to economic justification, although such criteria are considered directly by the ICC code development and consensus process, as applicable. Each proposal submitted to the ICC code development process also requires a declaration of whether the proposed code change will increase the cost of construction.

Separate from the Secretary's determination under section 304(a), section 307 of ECPA requires DOE to periodically review the technical and economic basis of the voluntary building energy codes, and participate in the industry process for review and modification, including seeking adoption of all technologically feasible and economically justified energy efficiency measures. (42 U.S.C. 6836(b)) In fulfillment of this directive, DOE evaluates its code change proposals submitted to the ICC, analyzing energy savings and cost-effectiveness, as applicable, and otherwise participates in the ICC process. In addition, DOE performs independent technical and economic analysis of the IECC as part of its direction to provide assistance to States implementing building energy codes. This approach allows DOE to meet its statutory obligation to participate in the industry process for review and modification of the IECC, and to seek adoption of all technologically feasible and economically justified energy efficiency measures. (42 U.S.C. 6836(b)).

In preparation for technical assistance activities, DOE previously developed a standardized methodology for assessing the cost-effectiveness of code changes through a public process. (78 FR 47677) This methodology is published on the DOE Building Energy Codes Program Web site, and has been applied by DOE in the development of code change proposals for the IECC, as well as assessing the cost-effectiveness of published editions of the IECC. DOE expects to update this methodology periodically to ensure its assumptions and economic criteria remain valid and adequate for the analysis of potential code change proposals, and for States considering adoption of model building energy codes. DOE will continue to use the currently established methodology and parameters for developing materials for the technical assistance of the 2015 IECC.

III. Summary of Findings

In performing its determination, DOE performed both a qualitative and quantitative analysis of the prescriptive and mandatory requirements contained in the 2015 IECC. The chosen methodology for these analyses is consistent with actions of recent determinations, and provides a reasonable assessment of how the code will affect energy savings in residential buildings. A summary of the analyses supporting DOE's determination is outlined in the following sections.

Qualitative Analysis

DOE performed a comparative analysis of the textual requirements of the 2015 IECC, examining the specific changes (approved code changes) made between the 2012 and the 2015 editions. The ICC Code Hearing process considers individual code changes for approval, and then bundles all the approved code changes together to form the next published edition. In creating the 2015 IECC, ICC processed 76 approved code change proposals. DOE evaluated each of these code change proposals in preparing its determination. In conducting the revised analysis, DOE also took into consideration NAHB's comment about DOE's analysis of pipe insulation requirements (NAHB, No. 3 at p. 1).

Overall, DOE found that the vast majority of changes in the 2015 IECC appear to be *neutral* (*i.e.,* have no direct impact on energy savings) within the context of the determination analysis. DOE also found that *beneficial* changes (*i.e.,* increased energy savings) outweigh any changes with a *detrimental* effect on energy efficiency in residential buildings. Of the 76 total changes:

- 6 were considered beneficial;
- 62 were considered neutral;
- 5 were considered negligible;
- 2 were considered detrimental; and
- 1 was considered to have an unquantifiable impact.

Table III.1 presents the findings resulting from the qualitative analysis, along with a description of the change, as well as an assessment of the anticipated impact on energy savings in residential buildings. Additional details pertaining to the qualitative analysis are presented in a technical support document.[6]

[5] *See http://www.energycodes.gov/development/residential/methodology.*

[6] Mendon et al., *2015 IECC: Energy Savings Analysis* (PNNL, Richland, WA, December 2014), available at *http://www.energycodes.gov/determinations.*

TABLE III.1—QUALITATIVE ANALYSIS FINDINGS

Proposal No.	Code section(s) affected [a]	Description of changes	Impact on energy efficiency	Reason
RE1–13	R101.4.3 (IRC N1101.3)	Deletes the exception for vestibules in the provisions pertaining to additions, alterations, renovations, and repairs.	Neutral	The residential code has no requirements for vestibules.
RE3–13	R103.2 (IRC N1101.8)	Deletes text relating to commercial building components in ''Information on Construction Documents.''	Neutral	Editorial change.
RE5–13	R202 (IRC N1101.9)	Deletes the definition of ''entrance door.''	Neutral	The definition applied to nonresidential buildings only.
RE6–13	R202 (NEW) (IRC N1101.9 (NEW)).	Adds definition of ''Insulating Siding'' and notes that the insulation level of this siding must be R–2 or greater.	Neutral	Addition of definition.
RE9–13	R202 (NEW) (IRC N1101.9 (NEW)), R304 (NEW) (IRC N1101.16 (NEW)).	Adds an appendix with non-mandatory provisions for homes to be ''solar-ready.'' Designed to be readily referenced by adopting authorities as needed.	Neutral	No direct impact, but has the potential to increase efficiency in the future.
RE12–13	R401.2 (IRC N1101.15)	Minor clarification that the code's mandatory requirements should be met in all compliance paths.	Neutral	Clarification of code requirements.
RE14–13	R401.3 (IRC N1101.16)	Adds more options for the allowable locations for posting the certificate of occupancy.	Neutral	Not energy related but does eliminate a small enforcement hindrance.
RE16–13	R401.3 (IRC N1101.16)	Similar to RE14–13. Allows more options for the allowable locations for posting the certificate of occupancy.	Neutral	Not energy related but does eliminate a small enforcement hindrance.
RE18–13	R402.1 (IRC N1102.1), R402.1.1 (NEW) (IRC N1102.1.1 (NEW)).	Cross-references vapor barrier requirements by referencing IRC R702.7.	Neutral	Adds consistency and clarifies code requirements.
RE30–13	Table R402.1.1, (IRC Table N1102.1.1).	Modifies footnote h to these tables to allow combined sheathing/siding.	Neutral	Adds an option for combined insulated sheathing/siding that meets code requirements.
RE43–13	R402.1.2 (IRC N1102.1.2)	Adds use of term ''continuous insulation'' instead of ''insulating sheathing.''	Neutral	Minor clarification of terminology.
RE45–13	Table R402.1.3 (IRC N1102.1.3)	Slightly increases frame wall U-factor in climate zones 1 and 2. The R-value table remains unchanged.	Negligible	Intended to correct a perceived misalignment between the code's R-value-based requirements and the alternative U-factor-based requirements. The changes are very small and unlikely to change wall insulation levels in most homes.
RE50–13	Table R402.1.3 (IRC Table N1102.1.3).	Slightly increases frame wall U-factor in climate zones 1–5 but reduces it in climate zones 6–8. The R-value table remains unchanged.	Negligible	Intended to correct a perceived misalignment between the code's R-value-based requirements and the alternative U-factor-based requirements. The changes are very small and unlikely to change wall insulation levels in most homes.
RE53–13	R402.2.1 (IRC N1102.2.1)	Clarifies decreased ceiling insulation allowance for ceilings with attic spaces only.	Neutral	Clarification of the code requirement.
RE58–13	R402.2.4 (IRC N1102.2.4)	Clarifies that vertical doors are not ''access doors'' in R402.2.4 and shall be permitted to meet the fenestration requirements of Table 402.1.1.	Neutral	Clarification of the code requirement.
RE60–13	R402.2.7 (IRC N1102.2.7), Table R402.4.1.1 (IRC Table N1102.4.1.1).	Allows the floor cavity insulation to not be in contact with the underside of the subfloor decking if it is in contact with the topside of sheathing or continuous insulation installed on the bottom side of floor framing.	Neutral	Allows a combination of cavity and continuous insulation to meet the floor R-value requirement.

TABLE III.1—QUALITATIVE ANALYSIS FINDINGS—Continued

Proposal No.	Code section(s) affected [a]	Description of changes	Impact on energy efficiency	Reason
RE63–13	Table R402.1.1 (IRC Table N1102.1.1), R402.2.13 (NNEW) (IRC N1102.2.13 (NEW)).	Clarifies footnote h text by re-wording it and moving it to new section R402.2.13.	Neutral	Clarification of code requirements.
RE68–13	R402.3.5 (IRC N1102.3.5)	Slightly increases sunroom U-factor.	Detrimental	Applies to only climate zones 2 and 3; impacts only thermally isolated sunrooms.
RE83–13	Table R402.4.1.1 (IRC Table N1102.4.1.1).	Clarifies requirements for wall corner and headers to have insulation that has at least R–3 per inch, and clarifies that it is the cavities in such components that require the insulation.	Neutral	Minor addition and clarification of code requirements.
RE84–13	Table R402.4.1.1 (IRC Table N1102.4.1.1).	Allows a combination of cavity and continuous insulation to meet the floor R-value requirement.	Neutral	Subset of RE60–13; makes minor clarifying revisions to wording.
RE85–13	Table R402.4.1.1 (IRC Table N1102.4.1.1).	Reorganizes Table 402.4.1.1 by adding an additional column and separating ''air barrier criteria'' from ''insulation installation criteria,'' for clarity.	Neutral	Clarification of code requirements.
RE86–13	Table R402.4.1.1 (IRC Table N1102.4.1.1), R402.4.2 (IRC N1102.4.2).	Clarifies language relating to fireplace sealing/door requirements.	Neutral	Clarification of code requirements.
RE91–13	R402.4.1.2 (IRC N1102.4.1.2), Chapter 5.	Adds references to the American Society for Testing and Materials (ASTM) standards E779 and E1827 for blower door testing.	Neutral	Adds more detailed references for procedures.
RE103–13	R403.1.1 (IRC N1103.1.1)	Adds requirements for the thermostat to be pre-programmed by the manufacturer.	Neutral	Clarifies that the requirement is the manufacturer's responsibility.
RE105–13	R403.1.1 (IRC N1103.1.1)	Makes the programmable thermostat requirement apply to any heating/cooling system.	Neutral	No direct impact on energy.
RE107–13	R403.2.1 (IRC N1103.2.1)	Increases insulation requirements for return ducts in attics from R–6 to R–8.	Beneficial	Modestly reduces conduction losses from return ducts in attics.
RE109–13	R403.2 (IRC N1103.2), R403.2.2 (IRC N1103.2.2), R403.2.3 (NEW) (IRC N1103.2.3 (NEW)), R403.2.4 (NEW) (IRC N1103.2.4 (NEW)).	Makes the maximum allowable duct leakage rates prescriptive, allowing performance path trade-offs.	Neutral	Zero-sum tradeoff within IECC performance path rules; applies only to compliance via performance path.
RE111–13	R403.2.2 (IRC N1103.2.2)	Aligns the IECC with the International Mechanical Code (IMC) by removing exception from duct sealing for low-pressure continuously welded ducts.	Neutral	Requires sealing of additional locking joints for consistency between the IECC and IMC. Impact is negligible because the mandatory duct pressure test governs duct leakage regardless of specific sealing strategies.
RE117–13	R403.2.2 (IRC N1103.2.2)	Deletes exception relating to partially inaccessible duct connections.	Neutral	Editorial change to eliminate irrelevant text.
RE118–13	R403.2.2 (IRC N1103.2.2)	Reverses the order of how the two duct testing options are presented.	Neutral	Rearrangement of text.
RE125–13, Part I	R403.4.1 (IRC N1103.4.1), R403.4.1.1 (NEW) (IRC N1103.4.1.1 (NEW)), R403.4.1.2 (NEW) (IRC N1103.4.1.2 (NEW)), Chapter 5, IPC [E] 607.2.1, [E] 607.2.1.1 (NEW), [E] 607.2.1.1.1 (NEW), [E] 607.2.1.1.2 (NEW), IPC Chapter 14, IRC P2905 (NEW), IRC P2905.1 (NEW).	Adds requirements for demand-activated control on hot water circulation systems and heat trace systems. Makes IECC, IRC, and IPC consistent and clarifies requirements for these systems.	Beneficial	Demand activated control reduces the runtime of circulation pumps.

TABLE III.1—QUALITATIVE ANALYSIS FINDINGS—Continued

Proposal No.	Code section(s) affected [a]	Description of changes	Impact on energy efficiency	Reason
RE132–13	R403.4.2 (IRC N1103.4.2), Table R403.4.2 (IRC Table N1103.4.2).	Deletes requirement for domestic hot water (DHW) pipe insulation to kitchen and the generic requirement on long/large-diameter pipes. However, adds DHW pipe insulation for 3/4-inch pipes.	Beneficial	Energy lost due to the elimination of hot water pipe insulation on the kitchen pipe is typically more than made up by added insulation requirements for pipes 3/4 inches in diameter, the most common size for trunk lines.
RE136–13, Part I	R403.4.2 (NEW) (IRC N1103.4.2 (NEW)), IPC 202, IPC [E]607.2.1.1 (NEW), IRC P2905 (NEW), IRC P2905.1 (NEW).	Adds demand control requirements for recirculating systems that use a cold water supply pipe to return water to the tank.	Beneficial	Demand activated control reduces the runtime of circulation pumps.
RE142–13	R403.6 (IRC N1103.6)	Requires heating, ventilation, and air-conditioning equipment to meet Federal efficiency standards.	Neutral	DOE's Appliances and Commercial Equipment Standards Program regulates the minimum efficiency of units produced by equipment manufacturers.
RE163–13	R405.4.2 (IRC N1105.4.2), R405.4.2.1 (NEW) (IRC N1105.4.2.1 (NEW)), R405.2.2 (NEW) (IRC N1105.4.2.2 (NEW)).	Specifies details of a compliance report for the performance approach.	Neutral	No direct impact on energy.
RE167–13	Table R405.5.2(1) (IRC Table B1105.5.2(1)).	Fixes missing standard reference design specifications for thermal distribution systems.	Neutral	Adds details for modeling the standard reference design in the performance path.
RE173–13	Table R405.5.2(1) (IRC Table N1105.5.2(1)).	Adjusts Table R405.5.2(1) (the performance path) terminology for doors and fenestration.	Neutral	Simple clarification of the intent of the code.
RE184–13	R101.4.3, R202, R406 (NEW), (IRC N1101. 3, N1101.9, N1106 (NEW)).	Revamps alterations language and moves it from chapter 1 to section R406.	Neutral	Trade-offs between weakened and strengthened requirements possible but there is no feasible method for quantifying the energy impact of these trade-offs.
RE188–13	R202 (NEW) (IRC N1101.9 (NEW)), R401.2 (IRC N1101.15), R406 (NEW) (IRC N1106 NEW).	Optional new approach in section 406 requiring an ERI with a tradeoff limitation on the thermal envelope requirements.	Not quantifiable at this time.	New alternative compliance path—no data is currently available to adequately estimate the number of homes that may be constructed using this compliance path.
RE193–13	R202 (IRC N1101.9), 403.10 (New) (IRC N1103.10 (New)).	Adds requirements for testing of combustion venting systems.	Neutral	Impacts air quality; no direct impact on home energy usage.
RE195–13	R402.1.2	Subtracts out R–0.6 for insulating siding from R-value table to prevent double counting of siding.	Neutral	Adds consistency in R-value calculations.
RB96–13, Part I	Table R402.4.1.1	Specifies that air sealing shall be provided in fire separation assemblies.	Neutral	Minor clarification of code requirements.
RB100–13	R303.4	Corrects the air infiltration threshold in R303.4 to be 5 air changes per hour or less to align it with the infiltration limits set by the code.	Neutral	Consistency change.
SP19–13, Part III	303.1; IECC C404.7; IECC R403.9.	Makes numerous wording changes to pool and spa requirements. Doesn't appear to make substantive changes.	Neutral	No direct impact on home energy usage.
ADM22–13, Part III	IECC: R108.2	Revises "owner's agent" to "owner's authorized agent" in R108.2.	Neutral	Simple language change.
ADM30–13, Part III	IECC: R103.4	Adds "work shall be installed in accordance with the approved construction documents" to R103.4.	Neutral	Simple language change.
ADM40–13, Part III	IECC: R103.1	Adds "technical reports" as acceptable data for submittal with a permit application.	Neutral	Simple language change.

TABLE III.1—QUALITATIVE ANALYSIS FINDINGS—Continued

Proposal No.	Code section(s) affected [a]	Description of changes	Impact on energy efficiency	Reason
ADM51–13, Part III	IECC: R202 (IRC N1101.9)	Adds ''retrofit'' and other terms to definition of ''alteration.''	Neutral	Simple language change.
ADM57–13, Part III	IECC: R202 (IRC N1101.9) (New).	Adds definition of ''approved agency.''	Neutral	Simple language change.
ADM60–13, Part III	IECC: R202 (IRC N1101.9)	Revises definition of ''repairs.''	Neutral	Simple language change.
CE4–13, Part II	R101.4, R202 (IRC N1101.9); R402.3.6 (IRC N1102.3.6), Chapter 5 (RE) (NEW) (IRC N1106 (NEW)).	Editorial relocation of code text pertaining to ''existing buildings'' to a separate chapter.	Neutral	Editorial change.
CE8–13, Part II	R101.4.2, R202 (NEW) (IRC N1101.9 (NEW)).	Revises language requiring the code to apply to historic buildings if no ''compromise to the historic nature and function of the building'' occurs.	Beneficial	Additional buildings must meet the code requirements.
CE11–13, Part II	R101.4.3, (IRC N1101.3)	Adds existing single-pane fenestration with surface films to the list of exceptions in R101.4.3.	Neutral	Exceptions are allowed only if energy use is not increased.
CE15–13, Part II	R101.4.3 (IRC N1101.3), R202 (NEW) (IRC N1101.9 (NEW)).	Revises exemption for roofing replacement.	Neutral	Editorial change.
CE23–13, Part II	R101.5.2 (IRC N1101.6), R402.1 (IRC N1102.1).	Relocates exception for ''low energy'' buildings from R101.5.2 to R402.1.	Neutral	Editorial change.
CE33–13, Part II	R102, R102.1.1 (NEW)	Changes title of section R102 to ''Applicability—Duties and powers of the Code Official'' and revises language on ''alternative materials, design and methods of construction and equipment.''	Neutral	Editorial change.
CE37–13, Part II	R103.2.1 (NEW)	Requires the building's thermal envelope to be represented on construction documents.	Neutral	Simple documentation requirement.
CE38–13, Part II	R103.3, R104.1, R104.2 (NEW), R104.3, R104.3.1 (NEW), R014.3.2 (NEW), R104.3.3 (NEW), R104.3.4 (NEW), R104.3.5 (NEW), R104.3.6 (NEW), R104.5.	Revises a number of administrative requirements to enhance the ability to ensure compliance with the code and improve the usability of the code.	Neutral	No direct impact on energy.
CE43–13, Part II	R106.2	Deletes R106.2 ''Conflicting requirements'' because it is redundant with ''Conflicts'' in R106.1.1.	Neutral	Editorial change.
CE44–13, Part II	R108.4	Revises language pertaining to ''fines'' in section R108.4.	Neutral	Editorial change.
CE49–13, Part III	R202 (NEW) (IRC N1101.9 (NEW)).	Adds definition of a ''circulating hot water system.''	Neutral	Editorial change.
CE50–13, Part II	R202 (NEW) (IRC N1101.9 (NEW)).	Add definition of ''climate zone.''	Neutral	Editorial change.
CE51–13, part II	R202 (IRC N1101.9)	Revises the definition of ''conditioned space.''	Neutral	Revision of definition.
CE52–13, Part II	R202 (NEW) (IRC N1101.9 (NEW)).	Adds definition of ''continuous insulation.''	Neutral	Definition addition.
CE59–13, Part II	R202 (IRC N1101.9)	Revises the definition of ''vertical glazing.''	Neutral	Revision of definition.
CE61–13, Part II	Table R301.1	Adds ''Broomfield County'' to Table C301.1 and R301.1.	Neutral	Editorial change.
CE62–13, Part II	Figure R301.1 (IRC Figure N1101.10), Table R301.1 (IRC Table N1101.10).	Eliminates the ''warm humid'' designation for counties in the ''dry'' moisture regime in Southwest Texas.	Neutral	No efficiency requirements depend on the warm-humid designation in Climate Zone 2/Dry.
CE63–13, Part II	R303.1.1 (IRC N1101.12.1)	Requires labeling R-value on packaging of insulated siding and listing of same on the certification.	Neutral	Labeling requirement.

TABLE III.1—QUALITATIVE ANALYSIS FINDINGS—Continued

Proposal No.	Code section(s) affected [a]	Description of changes	Impact on energy efficiency	Reason
CE65–13, Part II	R303.1.3 (IRC N1101.12.3), Chapter 5.	Adds the American National Standards Institute (ANSI)/Door and Access Systems Manufacturers Association (DASMA) standard 105 as an alternative to National Fenestration and Rating Council (NFRC) 100 for determining U-factors of garage doors, where required.	Neutral	Adds an option of using ANSI/DASMA 105 instead of NFRC 100.
CE66–13, Part II	R301.4 (NEW) (IRC N1101.10.3 (NEW)), R406 (NEW) (IRC N1106 (NEW)).	Defines a new ''Tropical'' climate zone and adds an optional compliance path for semi-conditioned residential buildings with a list of pre-defined criteria to be deemed as code compliant in this climate zone.	Detrimental ..	Exception to code requirements applicable to a small number of homes in tropical areas.
CE67–13, Part II	R303.1.4.1 (N1101.12.4) (NEW), Chapter 5.	Adds ASTM C1363 as the required test standard for determining the thermal resistance (R-value) of insulating siding.	Neutral	Addition of testing requirements.
CE161–13, Part II ...	R402.3.2 (IRC N1102.3.2)	Allows dynamic glazing to satisfy the SHGC requirements provided the ratio of upper to lower SHGC is 2.4 or greater and is automatically controlled to modulate the amount of solar gain into the space.	Negligible	Similar energy impact to non-dynamic glazing.
CE177–13, Part II ...	R402.1.2 (NEW), (IRC N1102.4.1.2 (NEW)).	Requires open combustion appliances to be outside conditioned space or in a room isolated from conditioned space and ducted to the outside.	Neutral	Relates to indoor air quality and does not impact energy directly.
CE179–13, Part II ...	Table R402.4.1.1 (IRC Table N1102.4.1.1).	Exempts fire sprinklers from air sealing requirements.	Negligible	The home/unit would still have to pass the blower door test.
CE283–13, Part II ...	R403.4.3 (NEW) (N1103.5 (NEW)), Chapter 5, IRC P2903.11 (NEW).	Requires drain water heat recovery systems to comply with Canadian Standards Association (CSA) Standard 55 and adds references to CSA Standard 55 to chapter 5.	Negligible	Enables credit for efficiency improvements due to the use of drain water heat recovery devices.
CE362–13, Part II ...	R403.2 (New) (IRC N1103.2 (New)).	Adds requirement for outdoor setback control for hot water boilers that controls the boiler water temperature based on the outdoor temperature.	Beneficial	Lowering boiler water temperature during periods of moderate outdoor temperature reduces energy consumption of the boiler.

[a] Code sections refer to the 2012 IECC.

KEY: The following terms are used to characterize the effect of individual code change on energy efficiency (as contained in the above table): *Beneficial* indicates that a code change is anticipated to improve energy efficiency; *Detrimental* indicates a code change may increase energy use in certain applications; *Neutral* indicates that a code change is not anticipated to impact energy efficiency; *Negligible* indicates a code change may have energy impacts but too small to quantify; and *Not Quantifiable* indicates that a code change may have energy impacts but can't be quantified at this time.

In addition to the changes approved for inclusion in the prescriptive and mandatory paths, ICC also approved a proposal based on an Energy Rating Index (ERI) in the 2015 IECC. While this change does not directly alter stringency of the code, it does provide an additional compliance path as an alternative to the traditional IECC prescriptive and performance paths. DOE determination analyses have historically focused on the prescriptive compliance path. This has been done because: (1) The prescriptive path is generally considered the predominant compliance path in practice, and; (2) the performance path effectively allows a limitless number of ways to comply with the code, and no accepted methodology exists for how to analyze it. Equally important, there is no aggregated source of data allowing for documentation of how buildings meet the performance path criteria. In the absence of such data, an analysis of the performance path would have no empirical basis.

The inclusion of a new type of compliance path in the 2015 IECC, which is based on an Energy Rating Index (ERI), prompted DOE to review its historical approach, and make a decision as to whether a change in methodology would be appropriate for the current determination analysis. Three primary points were considered:

(1) The impact of the ERI path on national residential energy consumption is dependent on the number of homes that use this new path, and the unique building characteristics of those homes. As no jurisdiction has yet implemented the 2015 IECC, there is no way to know how many homes will use this path.

(2) An analysis conducted by Pacific Northwest National Laboratory (PNNL) suggests that most homes built using the ERI path, as specified in the 2015 IECC, are likely to be at least as efficient as the homes built to meet the prescriptive requirements of the IECC or the traditional performance path.[7]

(3) Including the new ERI path but not the traditional performance path would be arbitrary relative to historical determination analysis. An accepted methodology, along with a supporting data source, by which to analyze the performance path would also be necessary, and is not currently available.

Based on these three points, DOE concluded that it is appropriate to follow its historical approach for the current determination. However, DOE acknowledges that the landscape of code compliance may be changing, and therefore plans to track the implementation and application of the new ERI path, as well as collect relevant data that may enable DOE to further evaluate the ERI path in future analyses. It will also investigate the possibility of collecting data that could provide the basis for a broader analysis of performance-based compliance paths. Finally, DOE will explore whether the total number of homes built under each path can be determined and tracked over time. DOE anticipates that multiple paths may be considered in future determinations, but will only be included if the potential energy savings are relative to the traditional DOE analysis.

Table III.2 summarizes the overall impact of the code change proposals in the qualitative analysis. Overall, the sum of the beneficial code changes (6) is greater than the number of the detrimental code change proposals (2).

TABLE III.2—OVERALL SUMMARY OF CODE CHANGE PROPOSAL IMPACT IN QUALITATIVE ANALYSIS

Detriment	Neutral	Benefit	Negligible impact	Unquantifiable at this time	Total
2	62	6	5	1	76

Quantitative Analysis

The quantitative analysis of the 2015 IECC was carried out using whole-building energy simulations of prototype buildings designed to meet the requirements of the 2012 IECC and the 2015 IECC. DOE simulated 32 representative residential building types across 15 U.S. climate locations, with locations selected to be representative of all U.S climate zones, as defined by the IECC. Energy use intensities (EUI) by fuel type and by end-use, as regulated by the IECC (*i.e.,* heating, cooling, domestic water heating and lighting) were extracted for each building type, and weighted by the relative square footage of construction (represented by building type in each climate regions). The methodology used for carrying out the quantitative analysis remains unchanged from the preliminary determination of the 2015 IECC, however, the overall findings have been updated based on comments received (see *Public Comments Regarding the Determination* section of this notice).

The quantitative analysis of buildings designed to meet the requirements of the 2015 IECC indicates national site energy savings of 0.98 percent of residential building energy consumption, as regulated by the IECC (in comparison to the 2012 IECC). Associated source energy savings are estimated to be approximately 0.87 percent, and national average energy cost savings are estimated to be approximately 0.73 percent. Table III.3 and Table III.4 show the energy use and associated savings resulting from the 2015 IECC by climate zone and on an aggregated national basis. Further details on the quantitative analysis can be found in the technical support document.

TABLE III.3—ESTIMATED REGULATED ANNUAL SITE AND SOURCE ENERGY USE INTENSITIES (EUI), AND ENERGY COSTS BY CLIMATE-ZONE

[2012 IECC]

Climate zone	Site EUI (kBtu/ft^2-yr)	Source EUI (kBtu/ft^2-yr)	Energy costs ($/residence-yr)
1	13.96	38.57	845
2	16.99	43.24	1,104
3	16.90	40.43	988
4	19.52	44.00	1,069
5	27.62	47.49	1,162
6	29.28	49.21	1,195
7	36.18	63.25	1,501
8	50.28	89.49	2,320
National Weighted Average	20.82	44.17	1,086

[7] Taylor et al., *Identification of RESNET HERS Index Values Corresponding to Minimal Compliance with the IECC* (PNNL, Richland, WA, May 2014), available at *http://www.energycodes.gov/hers-and-iecc-performance-path*

TABLE III.4—ESTIMATED REGULATED ANNUAL SITE AND SOURCE ENERGY USE INTENSITIES (EUI), AND ENERGY COSTS BY CLIMATE-ZONE

[2015 IECC]

Climate zone	Site EUI (kBtu/ft^2-yr)	Source EUI (kBtu/ft^2-yr)	Energy costs ($/residence-yr)
1	13.85	38.33	841
2	16.84	42.90	1,096
3	16.71	40.03	980
4	19.31	43.56	1,060
5	27.38	47.14	1,155
6	29.03	48.84	1,187
7	35.86	62.72	1,490
8	49.80	88.65	2,299
National Weighted Average	20.61	43.78	1,078

Table III.5 presents the estimated energy savings (based on percent change in EUI and energy costs) associated with the 2015 IECC. Overall, the quantitative analysis indicates increased energy efficiency of residential buildings, as regulated by the updated code.

TABLE III.5—REGULATED ANNUAL ENERGY SAVINGS ESTIMATED FROM THE QUANTITATIVE ANALYSIS

Climate zone	Site EUI [a] (percent)	Source EUI [a] (percent)	Energy costs [a] (percent)
1	0.78	0.61	0.43
2	0.88	0.79	0.68
3	1.13	0.99	0.83
4	1.08	0.99	0.82
5	0.87	0.74	0.63
6	0.85	0.75	0.61
7	0.88	0.84	0.71
8	0.95	0.94	0.94
National Weighted Average	0.98	0.87	0.73

[a] Percentages are calculated before rounding and may not exactly match percentages calculated between Table III.3 and Table III.4.

IV. Determination Statement

Review and evaluation of the 2012 and 2015 editions of the IECC indicate that there are differences between the two editions. Qualitative analysis of the updated code reveals that many of the code changes are anticipated to have a neutral impact on energy efficiency, while a small number of code changes are anticipated to yield improved energy efficiency, and a smaller number of code changes are anticipated to be detrimental to energy efficiency. In addition, quantitative analysis of the code indicates regulated site energy, source energy, and energy cost savings of 0.98 percent, 0.87 percent and 0.73 percent, respectively. Finally, DOE acknowledges the reasonable probability that the new ERI compliance path will result in energy efficiency improvements that cannot be quantified at this time. DOE has rendered the conclusion that the 2015 IECC will improve energy efficiency in residential buildings, and, therefore, should receive an affirmative determination under Section 304(a) of ECPA.

V. State Certification

Based on today's determination, each State is required to review the provisions of its residential building code regarding energy efficiency, and determine whether it is appropriate for such state to revise its building code to meet or exceed the energy efficiency provisions of the 2015 IECC. (42 U.S.C. 6833(a)(5)(B)) This action must be made not later than 2 years from the date of publication of a Notice of Determination, unless an extension is provided.

State Review and Update

The State determination must be: (1) Made after public notice and hearing; (2) in writing; (3) based upon findings and upon the evidence presented at the hearing; and (4) made available to the public. (42 U.S.C. 6833(a)(2)) States have discretion with regard to the hearing procedures they use, subject to providing an adequate opportunity for members of the public to be heard and to present relevant information. The Department recommends publication of any notice of public hearing through appropriate and prominent media outlets, such as in a newspaper of general circulation. States should also be aware that this determination does not apply to IECC chapters specific to nonresidential buildings, as defined in the IECC. Therefore, States must certify their evaluations of their State building codes for residential buildings with respect to all provisions of the IECC, except for those chapters not affecting residential buildings. Because state codes are based on a variety of model code editions, DOE encourages States to consider the energy efficiency improvements of the 2015 IECC, as well as other recent editions of the IECC, which may also represent a significant energy and cost savings opportunity. DOE determinations regarding earlier editions of the IECC are available on the DOE Building Energy Codes Program Web site.[8] Further national and state analysis is also available.[9]

[8] Available at *http://www.energycodes.gov/regulations/determinations/previous.*

[9] Available at *http://www.energycodes.gov/development/residential/iecc_analysis.*

State Certification Statements

State certifications are to be sent to the address provided in the **ADDRESSES** section, or may be submitted to *BuildingEnergyCodes@ee.doe.gov,* and must be submitted in accordance with the deadline identified in the **DATES** section. If a State makes a determination that it is not appropriate to revise the energy efficiency provisions of its residential building code, the State must submit to the Secretary, in writing, the reasons for this determination, which shall be made available to the public. (42 U.S.C. 6833(a)(4))

The DOE Building Energy Codes Program tracks and reports State code adoption and certifications.[10] Once a State has adopted an updated residential code, DOE typically provides software, training, and support for the new code, as long as the new code is based on the national model code (*i.e.,* the 2015 IECC). DOE has issued previous guidance on how it intends to respond to technical assistance requests related to implementation resources, such as building energy code compliance software. (79 FR 15112) DOE also recognizes that some States develop their own codes that are only loosely related to the national model codes, and DOE does not typically provide technical support for those codes. DOE does not prescribe how each State adopts and enforces its energy codes.

Requests for Extensions

Section 304(c) of ECPA requires that the Secretary permit an extension of the deadline for complying with the certification requirements described above, if a State can demonstrate that it has made a good faith effort to comply with such requirements, and that it has made significant progress toward meeting its certification obligations. (42 U.S.C. 6833(c)) Such demonstrations could include one or both of the following: (1) A substantive plan for response to the requirements stated in Section 304; or (2) a statement that the State has appropriated or requested funds (within State funding procedures) to implement a plan that would respond to the requirements of Section 304 of ECPA. This list is not exhaustive. Requests are to be sent to the address provided in the **ADDRESSES** section, or may be submitted to *BuildingEnergyCodes@ee.doe.gov.*

[10] Available at *http://www.energycodes.gov/adoption/states.*

VI. Regulatory Review and Analysis

Review Under Executive Orders 12866 and 13563

Today's action is not a significant regulatory action under Section 3(f) of Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735). Accordingly, today's action was not reviewed by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB). DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. (76 FR 3281) Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires the preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' (67 FR 53461), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. (68 FR 7990) DOE has also made its procedures and policies available on the Office of General Counsel Web site.[11]

DOE has reviewed today's action under the provisions of the Regulatory Flexibility Act and the procedures and policies published in February 2003. Today's action on the determination of improved energy efficiency between IECC editions requires States to undertake an analysis of their respective building codes. Today's action does not impact small entities. Therefore, DOE has certified that there is no significant economic impact on a substantial number of small entities.

Review Under the National Environmental Policy Act of 1969

Today's action is covered under the Categorical Exclusion found in DOE's National Environmental Policy Act regulations at paragraph A.6 of appendix A to subpart D, 10 CFR part 1021. That Categorical Exclusion applies to actions that are strictly procedural, such as rulemaking establishing the administration of grants. Today's action is required by Title III of ECPA, as amended, which provides that whenever the 1992 MEC, or any successor to that code, is revised, the Secretary must make a determination, not later than 12 months after such revision, whether the revised code would improve energy efficiency in residential buildings and must publish notice of such determination in the **Federal Register**. (42 U.S.C. 6833(a)(5)(A)) If the Secretary determines that the revision of 1992 MEC, or any successor thereof, improves the level of energy efficiency in residential buildings, then no later than two years after the date of the publication of such affirmative determination, each State is required to certify that it has reviewed its residential building code regarding energy efficiency and made a determination whether it is appropriate to revise its code to meet or exceed the provisions of the successor code. (42 U.S.C. 6833(a)(5)(B)) Today's action impacts whether States must perform an evaluation of State building codes. The action would not have direct environmental impacts. Accordingly, DOE has not prepared an environmental assessment or an environmental impact statement.

Review Under Executive Order 13132, ''Federalism''

Executive Order 13132 (64 FR 43255) imposes certain requirements on agencies formulating and implementing policies or regulations that pre-empt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. Congress found that:

(1) Large amounts of fuel and energy are consumed unnecessarily each year in heating, cooling, ventilating, and providing domestic hot water for newly constructed residential and commercial buildings because such buildings lack adequate energy conservation features;

(2) Federal voluntary performance standards for newly constructed buildings can prevent such waste of energy, which the Nation can no longer afford in view of its current and anticipated energy shortage;

(3) The failure to provide adequate energy conservation measures in newly constructed buildings increases long-term operating costs that may affect adversely the repayment of, and security for, loans made, insured, or guaranteed

[11] Available at *http://energy.gov/gc/office-general-counsel.*

by Federal agencies or made by federally insured or regulated instrumentalities; and

(4) State and local building codes or similar controls can provide an existing means by which to ensure, in coordination with other building requirements and with a minimum of Federal interference in State and local transactions, that newly constructed buildings contain adequate energy conservation features. (42 U.S.C. 6831)

Pursuant to Section 304(a) of ECPA, DOE is statutorily required to determine whether the most recent edition of the MEC (or its successor) would improve the level of energy efficiency in residential buildings as compared to the previous edition. If DOE makes an affirmative determination, the statute requires each State to certify that it has reviewed its residential building code regarding energy efficiency and made a determination whether it is appropriate to revise its code to meet or exceed the provisions of the successor code. (42 U.S.C. 6833(a)(5)(B))

Executive Order 13132 requires meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications unless funds necessary to pay the direct costs incurred by the State and local governments in complying with the regulation are provided by the Federal Government. (62 FR 43257)

DOE has examined today's action and has determined that it will not pre-empt State law and will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Today's action impacts whether States must perform an evaluation of State building codes. No further action is required by Executive Order 13132.

Review Under Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. Subsection 101(5) of Title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon State, local, or tribal governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform an assessment of the anticipated costs and benefits of any rule that includes a Federal mandate that may result in costs to State, local, or tribal governments, or to the private sector, of $100 million or more. Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of State, local, and tribal governments.

Consistent with previous determinations, DOE has completed its review, and concluded that impacts on state, local, and tribal governments are less than the $100 million threshold specified in the Unfunded Mandates Act. Accordingly, no further action is required under the Unfunded Mandates Reform Act of 1995.

Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Today's action would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

Review Under the Treasury and General Government Appropriations Act of 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. Both OMB and DOE have published established relevant guidelines (67 FR 8452 and 67 FR 62446, respectively). DOE has reviewed today's action under the OMB and DOE guidelines, and has concluded that it is consistent with applicable policies in those guidelines.

Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' (66 FR 28355), requires Federal agencies to prepare and submit to the OMB a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of the OMB OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use, should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's action would not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

Review Under Executive Order 13175

Executive Order 13175, ''Consultation and Coordination with Indian tribal Governments'', (65 FR 67249), requires DOE to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' refers to regulations 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.'' Today's action is not a policy that has ''tribal implications'' under Executive Order 13175. DOE has reviewed today's action under Executive Order 13175 and has determined that it is consistent with applicable policies of that Executive Order.

Issued in Washington, DC, on May 29, 2015.

Kathleen B. Hogan,

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

[FR Doc. 2015–14297 Filed 6–10–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee; Meetings

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 16, 2015, 8:30 a.m.–5:30 p.m.

ADDRESSES: Doubletree by Hilton Bethesda—Washington, DC, 8120 Wisconsin Avenue, Bethesda, Maryland 20814, (301) 652–2000.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290. Telephone: (301) 903–0536 or email: *brenda.may@science.doe.gov*. The most current information concerning this meeting can be found on the Web site: *http://science.gov/np/nsac/meetings/*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Thursday, July 16, 2015

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office's
- Report of the Mo-99 Subcommittee
- Discussion of the Mo-99 Subcommittee Report
- EIC Cost Report
- NSAC Isotope Report
- Status of the Long Range Plan Report

Note: The NSAC Meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following site prior to the start of the meeting. A video record of the meeting including the presentations that are made will be archived at this site after the meeting ends: *http://www.tvworldwide.com/events/DOE/150716/*.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, (301) 903–0536 or *Brenda.May@science.doe.gov* (email). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for review on the U.S. Department of Energy's Office of Nuclear Physics Web site at *http://science.energy.gov/np/nsac/meetings/*.

Issued in Washington, DC, on June 5, 2015.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–14298 Filed 6–10–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–499–000]

Texas Eastern Transmission, LP; Notice of Application

Take notice that on May 22, 2015, Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056, filed an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations to construct and operate its South Texas Expansion Project (STEP). Specifically, Texas Eastern requests authorization to construct and operate the 8400 hp Petronila Compressor Station in Nueces County, Texas, an additional 8,400 hp compressor unit at its existing Blessing Compressor Station in Matagorda County, Texas, and modifications to its existing compressor stations in Brazoria, Chambers, and Orange Counties, Texas, to increase firm capacity by 400,000 dekatherms per day to high demand downstream, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the 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, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Berk Donaldson, General Manager-Rates and Certificates, (713) 627–4121, facsimile (713) 627–5947, or by mail at: Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas, 77251–1642.

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 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. 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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 26, 2015.

Dated: June 5, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14274 Filed 6–10–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14654–000]

Twain Resources, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 12, 2014, Twain Resources, 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 Tungstar Redux Water Power Project (Tungstar Redux Project or project) to be located at Pine Creek Mine and along Morgan and Pine Creek, near the City of Bishop in Inyo 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 consist of the following: (1) An intake of an unspecified design collecting Pine Creek Mine discharge water from its discharge point on Morgan Creek; (2) an 18-inch-diameter steel penstock of unspecified length with a 450-foot vertical drop: (3) A powerhouse: (4) a 600-kW impulse turbine connected to a 625-kVA generator; (5) a transmission line; (6) a substation connecting to an existing 56-kV main transmission line, and (7) appurtenant facilities. The estimated annual generation of the Tungstar Redux Project would be 3,600 megawatt-hours.

Applicant Contact: Mr. Doug Hicks, Twain Resources, LLC, 280 Florenca Way, Reno, Nevada 89511; phone: (775) 997–3429.

FERC Contact: Joseph Hassell; phone: (202) 502–8079: email *joseph.hassell@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–14654–000.

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–14654) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14275 Filed 6–10–15; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10461 First East Side Savings Bank, Tamarac, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for First East Side Savings Bank, Tamarac, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of First East Side Savings Bank on October 19, 2012. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: June 8, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–14279 Filed 6–10–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission

DATE AND TIME: Tuesday June 16, 2015 At 10:00 a.m. and Thursday, June 18, 2015 at the Conclusion of the Open Meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2015–14443 Filed 6–9–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 26, 2015.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Ralph Ellison Mann, Sinks Grove, West Virginia, and Margaret Mann Thiessen,* Grainau, Bavaria, Germany, as a group acting in concert; to acquire voting shares of Union Bankshares, Inc., and thereby indirectly acquire voting shares of The Bank of Monroe, both in Union, West Virginia.

Board of Governors of the Federal Reserve System, June 8, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–14289 Filed 6–10–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–WWICC–2015–02; Docket No. 2015–0006; Sequence No. 2]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission, GSA.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App.10(a)(2). This notice provides the schedule and agenda for the July 15, 2015 meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public.

DATES: *Effective:* June 11, 2015.

Meeting Date and Location: The meeting will be held on Wednesday, July 15, 2015 starting at 9:00 a.m. Central Daylight Time (CDT), and ending no later than 11:30 a.m. Central Daylight Time (CDT). The meeting will be held at the World War I Museum at Liberty Memorial, 100 W. 26th Street, Kansas City, MO 64108. This location is handicapped accessible. The meeting will be open to the public and will also be available telephonically. Persons attending in person are requested to refrain from using perfume, cologne, and other fragrances (see *http://www.access-board.gov/about/policies/fragrance.htm* for more information). Persons wishing to listen to the proceedings may dial 712–432–1001 and enter access code 474845614. Note that this is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, World War 1 Centennial Commission, 701 Pennsylvania Avenue NW., 123, Washington, DC 20004–2608, telephone number 202–380–0725 (note: this is not a toll-free number).

Written comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m. Eastern Daylight Time (EDT), Friday, July 10, 2015 and may be provided by email to *daniel.dayton@worldwar1centennial.org.* Requests to comment at the meeting must be received by 5:00 p.m. Eastern Standard Time (EST), Friday, March 6, 2015. Written presentations may be provided to Mr. Dayton at *daniel.dayton@worldwar1centennial.org* until Friday, March 6, 2015. Please contact Mr. Dayton at the email address above to obtain meeting materials.

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272, as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I. The Commission does not have an appropriation and is operated solely on donated funds.

Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.org* to register to comment in person during the meeting's 30 minute public comment period. Registered speakers/organizations will be allowed 5 minutes and will need to provide written copies of their presentations. Requests to comment, together with presentations for the meeting must be received by 5:00 p.m. Eastern Daylight Time (EDT), Friday, July 10, 2015. Please contact Mr. Dayton at the email above to obtain meeting materials.

Agenda: Wednesday July 15, 2015.

Old Business

- Approval of minutes of previous meetings.
- Public Comment Period.
- Discussion of recommendations to be made to the Congress and the President.

New Business

- American Legion Centennial Briefing.
- Staff Report.

- World War 1 Washington Memorial Report.
- Fund Raising Report.
- Education Report.
- Set next meeting.

Dated: June 2, 2015.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2015–14233 Filed 6–10–15; 8:45 am]

BILLING CODE 6820–95–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) reapprove the proposed information collection project: *''Medical Expenditure Panel Survey—Insurance Component.''* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by August 10, 2015.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Medical Expenditure Panel Survey—Insurance Component

Employer-sponsored health insurance is the source of coverage for 79.3 million current and former workers, plus many of their family members, and is a cornerstone of the U.S. health care system. The Medical Expenditure Panel Survey—Insurance Component (MEPS–IC) measures on an annual basis the extent, cost, and coverage of employer-sponsored health insurance. These statistics are produced at the National, State, and sub-State (metropolitan area) level for private industry. Statistics are also produced for State and Local governments.

This research has the following goals:

(1) Provide data for Federal policymakers evaluating the effects of National and State health care reforms.

(2) Provide descriptive data on the current employer-sponsored health insurance system and data for modeling the differential impacts of proposed health policy initiatives.

(3) Supply critical State and National estimates of health insurance spending for the National Health Accounts and Gross Domestic Product.

(4) Support evaluation of the impact of the Affordable Care Act (ACA) on health insurance offered by all employers, and especially by small employers (due to the implementation of Small Business Health Options Program (SHOP) exchanges under the ACA), through the addition of a longitudinal component to the sample.

The MEPS–IC is conducted pursuant to AHRQ's statutory authority to conduct surveys to collect data on the cost, use and quality of health care, including types and costs of private insurance. 42 U.S.C. 299b–2(a).

Method of Collection

To achieve the goals of this project for both private sector and state and local government employers, the following data collections will be implemented:

(1) Prescreener Questionnaire—The purpose of the Prescreener Questionnaire, which is collected via telephone, varies depending on the insurance status of the establishment contacted (establishment is defined as a single, physical location in the private sector and a governmental unit in state and local governments.) For establishments that do not offer health insurance to their employees, the prescreener is used to collect basic information such as number of employees via a phone call. For establishments that do offer health insurance, the prescreener is used to collect contact names and address information that is used to mail a written establishment and plan questionnaires. Obtaining this contact information helps ensure that the questionnaires are directed to the person best equipped to complete them.

(2) Establishment Questionnaire—The purpose of the mailed Establishment Questionnaire is to obtain general information from employers who provide health insurance to their employees. This information includes total active enrollment in health insurance, other employee benefits, demographic characteristics of employees, and retiree health insurance.

(3) Plan Questionnaire—The purpose of the mailed Plan Questionnaire is to collect plan-specific information on each plan (up to four) offered by establishments that provide health insurance to their employees. This questionnaire asks about total premiums, employer and employee contributions to the premium, and plan enrollment for each type of coverage offered—single, employee-plus-one, and family—within a plan. It also asks for information on deductibles, copays, and other plan characteristics.

(4) 2016—2017 Longitudinal Sample—For 2016 and 2017, an additional sample of 7,000 employers will be included in the collection. This sample, called the Longitudinal Sample (LS), is designed to measure the impact of the ACA on employer sponsored health insurance and especially the impact of the SHOP exchanges on small employers. The 2016 LS will consist of 7,000 private-sector employers who responded to the 2015 MEPS–IC, and the 2017 LS will consist of 7,000 private-sector employers who responded to the 2016 MEPS–IC. These employers will be surveyed again in 2016 and 2017—using the same collection methods as the regular survey—in order to track changes in their health insurance offerings, characteristics, and costs.

The primary objective of the MEPS–IC is to collect information on employer-sponsored health insurance. Such information is needed in order to provide the tools for Federal, State, and academic researchers to evaluate current and proposed health policies and to support the production of important statistical measures for other Federal agencies.

Estimated Annual Respondent Burden

The estimated annualized respondent burden hours and costs for the regular MEPS–IC and the Longitudinal Sample are presented separately below.

2016–2017 RegularMEPS–IC

Exhibit 1a shows the estimated annualized burden hours for the respondent's time to participate in the MEPS–IC. The Prescreener questionnaire will be completed by 27,606 respondents and takes about 5½ minutes to complete. The Establishment questionnaire will be completed by 23,814 respondents and takes about 23 minutes to complete. The Plan questionnaire will be completed by 21,084 respondents and will require an

average of 2.2 responses per respondent. Each Plan questionnaire takes about 11 minutes to complete. The total annualized burden hours are estimated to be 19,883 hours.

Exhibit 2a shows the estimated annualized cost burden associated with the respondents' time to participate in this data collection. The annualized cost burden is estimated to be $615,380.

EXHIBIT 1a—ESTIMATED ANNUALIZED BURDEN HOURS FOR THE 2016–2017 MEPS–IC

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Prescreener Questionnaire	27,606	1	0.09	2,485
Establishment Questionnaire	23,814	1	*0.38	9,049
Plan Questionnaire	21,084	2.2	0.18	8,349
Total	72,504	na	na	19,883

*The burden estimate printed on the establishment questionnaire is 45 minutes which includes the burden estimate for completing the establishment questionnaire, an average of 2.2 plan questionnaires, plus the prescreener. The establishment and plan questionnaires are sent to the respondent as a package and are completed by the respondent at the same time.

EXHIBIT 2a—ESTIMATED ANNUALIZED COST BURDEN FOR THE 2016–2017 MEPS–IC

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Prescreener Questionnaire	27,606	2,485	30.95	$76,911
Establishment Questionnaire	23,814	9,049	30.95	280,067
Plan Questionnaire	21,084	8,349	30.95	258,402
Total	72,504	19,883	na	615,380

*Based upon the mean hourly wage for Compensation, Benefits, and Job Analysis Specialists occupation code 13–1141, at *http://bls.gov/oes/current/oes131141.htm* (U.S. Department of Labor, Bureau of Labor Statistics.)

2016–2017 Longitudinal Sample

Exhibit 1b shows the estimated annualized burden hours for the respondent's time to participate in the Longitudinal Sample. The Prescreener questionnaire will be completed by 4,517 respondents and takes about 5 ½ minutes to complete. The Establishment questionnaire will be completed by 4,023 respondents and takes about 23 minutes to complete. The Plan questionnaire will be completed by 3,487 respondents and will require an average of 2.2 responses per respondent. Each Plan questionnaire takes about 11 minutes to complete. The total annualized burden hours are estimated to be 3,317 hours.

Exhibit 2b shows the estimated annualized cost burden associated with the respondents' time to participate in this data collection. The annualized cost burden is estimated to be $102,662.

EXHIBIT 1b—ESTIMATED ANNUALIZED BURDEN HOURS FOR THE 2016–2017 LONGITUDINAL SAMPLE (LS)

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Prescreener Questionnaire (LS)	4,517	1	0.09	407
Establishment Questionnaire (LS)	4,023	1	*0.38	1,529
Plan Questionnaire (LS)	3,487	2.2	0.18	1,381
Total	12,027	na	na	3,317

*The burden estimate printed on the establishment questionnaire is 45 minutes which includes the burden estimate for completing the establishment questionnaire, an average of 2.2 plan questionnaires, plus the prescreener. The establishment and plan questionnaires are sent to the respondent as a package and are completed by the respondent at the same time.

EXHIBIT 2b—ESTIMATED ANNUALIZED COST BURDEN FOR THE 2016–2017 LONGITUDINAL SAMPLE (LS)

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Prescreener Questionnaire (LS)	4,517	407	$30.95	$12,597
Establishment Questionnaire (LS)	4,023	1,529	30.95	47,323
Plan Questionnaire (LS)	3,487	1,381	30.95	42,742
Total	12,027	3,317	na	102,662

*Based upon the mean hourly wage for Compensation, Benefits, and Job Analysis Specialists occupation code 13–1141, at *http://bls.gov/oes/current/oes131141.htm* (U.S. Department of Labor, Bureau of Labor Statistics.)

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: June 3, 2015.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2015–14197 Filed 6–10–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF), as follows: Office of the Assistant Secretary for Children and Families, as last amended by77 FR 61002, September 21, 2012, and Office of Refugee Resettlement, as last amended by 80 FR 3614, January 23, 2015. This notice adds a new office, the Office on Trafficking in Persons to the Office of the Assistant Secretary for Children and Families and transfers the functions of the Division of Anti-Trafficking in Persons to this office. The changes are as follows:

I. Under Chapter KA, Office of the Assistant Secretary for Children and Families, Make the Following Changes

A. Delete KA.00 Mission in its entirety and replace with the following:

KA.00 Mission. The Office of the Assistant Secretary for Children and Families (OAS) provides executive direction, leadership, and guidance for all ACF programs. OAS provides national leadership to develop and coordinate public and private initiatives for carrying out programs that promote permanency placement planning, family stability, and self-sufficiency. OAS advises the Secretary on issues affecting America's children and families, including Native Americans, refugees, legalized aliens, and victims of human trafficking. OAS provides leadership on human service issues and conducts emergency preparedness and response operations during a nationally declared emergency.

B. Delete KA.10 Organization in its entirety and replace with the following:

KA.10 Organization. The Office of the Assistant Secretary for Children and Families is headed by the Assistant Secretary for Children and Families who reports directly to the Secretary and consists of:

Office of the Assistant Secretary for Children and Families (KA)
Executive Secretariat Office (KAF)
Office of Human Services Emergency Preparedness and Response (KAG)
Office of the Deputy Assistant Secretary and Inter-Departmental Liaison for Early Childhood Development (KAH)
Office on Trafficking in Persons (KAI)

C. Establish KA.20 Functions, Paragraph E, The Office on Trafficking in Persons:

E. The Office on Trafficking in Persons (KAI): The Office on Trafficking in Persons (OTIP) is responsible for the overall leadership of anti-trafficking programs and services under the purview of ACF, including, but not limited to, implementing provisions of the Trafficking Victims Protection Act (TVPA). OTIP is led by a Director, with the required knowledge and expertise in advising the Assistant Secretary, ACF, in the development of anti-trafficking strategies, policies, and programs to prevent human trafficking, build health and human service capacity to respond to human trafficking, increase victim identification and access to services, and strengthen the long-term health and well-being outcomes of survivors of human trafficking. The Office certifies or provides letters of eligibility, as appropriate, to victims of severe forms of trafficking, in accordance with the TVPA and promotes public awareness on human trafficking. The Office identifies research priorities for ACF's anti-trafficking work, and leads the preparation and presentation of related memorandums, reports, briefings, trainings, technical assistance, and analyses.

II. Under Chapter KR, Office of Office of Refugee Resettlement, Make the Following Changes

A. Under Chapter KR, Office of Refugee Resettlement, delete KR.00 Mission in its entirety and replace with the following:

KR.00 Mission. The Office of Refugee Resettlement (ORR) advises the Secretary, through the Assistant Secretary for Children and Families, on matters relating to refugee resettlement, immigration, victims of torture, unaccompanied alien children, and the repatriation of U.S. citizens. The Office plans, develops, and directs implementation of a comprehensive program for domestic refugee and entrant resettlement assistance to include cash assistance, medical assistance, and associated social services in support of early self-sufficiency. It develops, recommends, and issues program policies, procedures, and interpretations to provide program direction. The Office monitors and evaluates the performances of States and other public and private agencies in administering these programs and supports actions to improve them. It provides leadership and direction in the development and coordination of national public and private programs that provide assistance to refugees, asylees, Cuban and Haitian entrants, and certain Amerasians and victims of severe forms of trafficking in persons. The Office is also responsible for the care and custody of unaccompanied alien children, the provision of specific consent in Special Immigrant Juvenile status cases, and the policies, procedures, and interpretations needed in these program areas.

B. Under Chapter KR, ORR, delete KR.10 Organization, in its entirety and replace with the following:

KR.10 Organization. ORR is headed by a Director, who reports to the Assistant Secretary for Children and Families. The Office is organized as follows:

Office of the Director (KRA)
Division of Policy (KRA1)
Division of Refugee Assistance (KRE)
Division of Refugee Services (KRF)
Division of Children's Services (KRH)
Division of Refugee Health (KRJ)

C. Under Chapter KR, ORR, delete KR.20 Functions, Paragraph E in its

entirety and renumber the current paragraph F as paragraph E.

FOR FURTHER INFORMATION CONTACT: Katherine Chon, Director, Office on Trafficking in Persons, Administration for Children and Families, 901 D Street SW., Washington, DC 20447; (202) 401–9372.

This reorganization will be effective on June 10, 2015.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2015–14313 Filed 6–10–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Community Services; Notice of Meeting

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Department of Health and Human Services, Administration for Children and Families, Office of Community Services (OCS) will host a virtual Tribal Consultation to consult on the Assets for Independence (AFI) program proposed Performance Progress Report (PPR).

DATES: July 6, 2015.

ADDRESSES: Consultation will be via webinar/teleconference.

FOR FURTHER INFORMATION CONTACT: Gretchen Lehman, Program Manager, Assets for Independence, Office of Community Services, email *Gretchen.Lehman@acf.hhs.gov* or phone (202) 401–6614. To register for the consultation, go to *https://www.surveymonkey.com/s/GLXK9W6.* If you do not have access to the internet, you can register to participate in the consultation by phone by calling (866) 778–6037. If you are not able to participate in this consultation, but want to submit testimony on this issue, please mail it to the following address no later than July 10, 2015: Jeannie L. Chaffin, Office of Community Services, 370 L'Enfant Promenade SW., Washington, DC 20447.

SUPPLEMENTARY INFORMATION: AFI is a competitive, discretionary grant program that enables eligible organizations to implement and demonstrate an assets-based approach for supporting low-income individuals and their families. Tribal governments that apply jointly with 501(c)(3) non-profit organizations are eligible for AFI grants. For more information on the AFI program, go to *http://www.acf.hhs.gov/programs/ocs/resource/assets-for-independence-program-summary.*

OCS is proposing to create an AFI program specific PPR to replace two current AFI reports: The Semiannual Standard Form Performance Progress Report (SF–PPR) and the annual data report. The AFI PPR would collect data on project activities and attributes similar to the reports that it is replacing. OCS plans to use the data collected in the AFI PPR to prepare the annual AFI Report to Congress, to evaluate and monitor the performance of the AFI program overall and of individual projects, and to inform and support technical assistance efforts. The AFI Act (Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, Public Law 105–285, [42 U.S.C. 604 note]) requires that organizations operating AFI projects submit annual progress reports, and the AFI PPR would fulfill this requirement.

OCS has proposed that the AFI PPR would be submitted quarterly: Three times per year using an abbreviated short form and one time using a long form. Both draft data collection instruments are available for review at *http://idaresources.acf.hhs.gov/AFIPPR,* along with additional details about this proposal.

Dated: June 8, 2015.

Jeannie L. Chaffin,

Director, Office of Community Services.

[FR Doc. 2015–14312 Filed 6–10–15; 8:45 am]

BILLING CODE 4184–26–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1219]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Survey of Health Care Practitioners for Device Labeling Format and Content

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Survey of Health Care Practitioners for Device Labeling Format and Content'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On April 14, 2015, the Agency submitted a proposed collection of information entitled ''Survey of Health Care Practitioners for Device Labeling Format and Content'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0790. The approval expires on May 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: June 5, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–14290 Filed 6–10–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1414]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On January 30, 2015, the Agency submitted a proposed collection of information

entitled ''Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0633. The approval expires on May 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: June 5, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–14285 Filed 6–10–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0576]

Considerations for the Design of Early-Phase Clinical Trials of Cellular and Gene Therapy Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a document entitled ''Considerations for the Design of Early-Phase Clinical Trials of Cellular and Gene Therapy Products; Guidance for Industry.'' The guidance document is to assist sponsors and investigators in designing early-phase clinical trials for cellular therapy (CT) and gene therapy (GT) products (referred to collectively as CGT products). The guidance document provides recommendations regarding clinical trials in which the primary objectives are the initial assessments of safety, tolerability, or feasibility of administration of investigational products. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2013.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Valerie Butler, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Considerations for the Design of Early-Phase Clinical Trials of Cellular and Gene Therapy Products; Guidance for Industry.'' The guidance document is to assist sponsors and investigators in designing early-phase clinical trials for CGT products. The document provides recommendations regarding clinical trials in which the primary objectives are the initial assessments of safety, tolerability, or feasibility of administration of investigational products. The scope of the guidance is limited to products for which the Office of Cellular, Tissue, and Gene Therapies/Center for Biologics Evaluation and Research/FDA has regulatory authority. CGT products within the scope of the guidance meet the definition of ''biological product'' in section 351(i) of the Public Health Service (PHS) Act (42 U.S.C. 262(i)) and include CT and GT products that are used as therapeutic vaccines. The guidance does not apply to those human cells, tissues, and cellular- and tissue-based products (HCT/Ps) regulated solely under section 361 of the PHS Act (42 U.S.C. 264), or to products regulated as medical devices under the Federal Food, Drug, and Cosmetic Act, or to the therapeutic biological products for which the Center for Drug Evaluation and Research has regulatory responsibility.

The design of early-phase clinical trials of CGT products often differs from the design of clinical trials for other types of pharmaceutical products. Differences in trial design are necessitated by the distinctive features of these products, and also may reflect previous clinical experience. The guidance document describes features of CGT products that influence clinical trial design, including product characteristics, manufacturing considerations, and preclinical considerations, and suggests other documents for additional information. Consequently, the guidance document provides recommendations with respect to these products as to clinical trial design, including early phase trial objectives, choosing a study population, using a control group and blinding, dose selection, treatment plans, monitoring, and follow-up. Finally, the guidance encourages prospective sponsors to meet with FDA review staff regarding their investigational new drug application (IND) submission and offers references for additional guidance on submitting an IND.

In the **Federal Register** of July 2, 2013 (78 FR 39736), FDA announced the availability of the draft guidance of the same title dated July 2013. FDA requested that comments on the guidance be submitted by November 22, 2013. In the **Federal Register** of November 20, 2013 (78 FR 69690), FDA extended the comment period for the draft guidance to May 9, 2014, to provide interested persons additional time to submit comments and to allow for public discussion of the draft guidance document at the Cellular, Tissue, and Gene Therapies Advisory Committee meeting, which was ultimately held on February 25–26, 2014 (78 FR 79699, December 31, 2013).

FDA received a number of comments on the draft guidance and these comments were considered as the guidance was finalized. In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2013.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on considerations for the design of early-phase clinical trials of cellular and gene therapy products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information

found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: June 5, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–14261 Filed 6–10–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of class deviation from competition requirements for the Health Center Program.

SUMMARY: In accordance with the Awarding Agency Grants Administration Manual (AAGAM) Chapter 2.04.103, the Bureau of Primary Health Care (BPHC) has been granted a class deviation from the exceptions to maximum competition requirements contained in the AAGAM Chapter 2.04.104A–5 to provide additional funding without competition to the 115 Health Center Program awardees whose budget period ends October 31, 2015, for up to 4 months. The extension allows BPHC to eliminate the November 1 budget period start date by redistributing these grants to established starting dates later in the fiscal year, thereby allowing awardees comparable opportunity to prepare and submit applications while allowing BPHC to remain compliant with internal process timelines.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Health Center Program awardees with a project period end date of October 31, 2015.

Amount of Non-Competitive Awards: $44,481,501.

Period of Supplemental Funding: November 1, 2015, to a maximum of February 28, 2016.

CFDA Number: 93.224.

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

Justification: Targeting the nation's neediest populations and geographic areas, the Health Center Program currently funds nearly 1,300 health centers that operate approximately 9,000 service delivery sites in every state, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific Basin. In 2013, more than 21 million patients, including medically underserved and uninsured patients, received comprehensive, culturally competent, quality primary health care services through the Health Center Program awardees. Due to the vast size of the Health Center Program, the active grants are distributed across eight budget periods that begin on the first of the month, November through June.

BPHC uses the information awardees report annually via the Uniform Data System (UDS) to objectively determine the patient and service area requirements that new and continuing applications must address. The requirements are available for applicant use in June. The deviation allows BPHC to redistribute the awardees with November 1 start dates to budget period start dates later in the fiscal year, thus allowing these awardees comparable opportunity to prepare and submit applications while allowing BPHC to remain compliant with internal process timelines. By September 15, 2015, $44,481,501 will be awarded to these 115 awardees to continue approved activities for up to 4 months. Awardees will report progress and financial obligations made during their budget period extension through routine reports.

TABLE 1—RECIPIENT AWARDEES

Grant No.	Name	State	New budget period start	Award amount
H80CS00001	CITY OF SPRINGFIELD	MA	February	$333,353
H80CS00002	CITY OF MANCHESTER	NH	March	224,147
H80CS00003	COMMUNITY HEALTHLINK, INC	MA	March	316,608
H80CS00006	BOSTON HEALTH CARE FOR THE HOMELESS PROGRAM, INC., THE.	MA	January	505,654
H80CS00007	CARE FOR THE HOMELESS	NY	January	734,361
H80CS00008	MUNICIPALITY OF SAN JUAN	PR	March	226,508
H80CS00009	CITY OF NEWARK, NEW JERSEY, INC	NJ	January	411,022
H80CS00011	MONTEFIORE MEDICAL CENTER	NY	January	401,335
H80CS00013	UNDER 21, INC	NY	March	209,692
H80CS00016	PUBLIC HEALTH MANAGEMENT CORPORATION	PA	January	710,886
H80CS00017	HEALTH CARE FOR THE HOMELESS, INC	MD	January	606,970
H80CS00018	DAILY PLANET, INC	VA	February	490,501
H80CS00019	NORTH BROWARD HOSPITAL DISTRICT	FL	February	437,971
H80CS00020	BIRMINGHAM HEALTH CARE, INC	AL	January	713,355
H80CS00022	SAINT JOSEPHS MERCY CARE SVCS	GA	January	614,459
H80CS00023	COUNTY OF HAMILTON	TN	March	364,024
H80CS00024	COUNTY OF PINELLAS	FL	March	193,752
H80CS00026	CAMILLUS HEALTH CONCERN, INC	FL	January	515,685

TABLE 1—RECIPIENT AWARDEES—Continued

Grant No.	Name	State	New budget period start	Award amount
H80CS00027	GOOD SAMARITAN HOSPITAL	OH	February	276,112
H80CS00028	HENNEPIN COUNTY	MN	February	354,321
H80CS00029	CARE ALLIANCE	OH	January	468,025
H80CS00030	COUNTY OF INGHAM	MI	February	304,746
H80CS00031	TRINITY HEALTH CORPORATION	MI	March	274,685
H80CS00033	DETROIT HEALTH CARE FOR THE HOMELESS	MI	January	475,273
H80CS00034	OUTREACH COMMUNITY HEALTH CENTERS, INC	WI	February	481,078
H80CS00035	NEW COMMUNITY CLINIC, INC., LTD	WI	February	332,949
H80CS00036	ALBUQUERQUE HEALTH CARE FOR THE HOMELESS, INC.	NM	January	350,108
H80CS00037	CITY OF NEW ORLEANS	LA	February	451,993
H80CS00038	HARRIS COUNTY HOSPITAL DISTRICT	TX	January	542,606
H80CS00039	DALLAS COUNTY HOSPITAL DISTRICT	TX	January	406,306
H80CS00040	COLORADO COALITION FOR THE HOMELESS, THE	CO	January	1,141,583
H80CS00042	COMMUNITY ACTION OF LARAMIE COUNTY, INC	WY	March	149,726
H80CS00043	WASATCH HOMELESS HEALTH CARE, INC	UT	February	462,646
H80CS00044	COUNTY OF MARICOPA	AZ	January	459,405
H80CS00045	COUNTY OF SACRAMENTO	CA	March	346,132
H80CS00046	COUNTY OF SANTA BARBARA	CA	March	345,341
H80CS00047	COUNTY OF ALAMEDA	CA	January	486,082
H80CS00048	COUNTY OF SANTA CRUZ	CA	February	404,475
H80CS00049	SAN FRANCISCO COMMUNITY CLINIC CONSORTIUM	CA	January	860,109
H80CS00050	COUNTY OF CONTRA COSTA	CA	February	460,558
H80CS00051	COUNTY OF SAN MATEO	CA	February	461,544
H80CS00052	CHILDREN'S HOSPITAL & RESEARCH CENTER AT OAKLAND.	CA	February	369,872
H80CS00053	WAIKIKI HEALTH CENTER	HI	February	278,223
H80CS00054	METROPOLITAN DEVELOPMENT COUNCIL, THE	WA	March	348,334
H80CS00055	WHITE BIRD CLINIC	OR	March	187,567
H80CS00056	COUNTY OF KING	WA	January	537,592
H80CS00239	FAMILIES FIRST OF THE GREATER SEA COAST, INC	NH	March	172,837
H80CS00240	HEALTHCARE CENTER FOR HOMELESS, INC	FL	January	381,103
H80CS00243	OUTSIDE IN	OR	January	396,812
H80CS00247	COUNTY OF VENTURA	CA	March	261,600
H80CS00268	FLOATING HOSPITAL, INC., THE	NY	January	470,166
H80CS00271	DUFFY HEALTH CENTER, INC	MA	March	366,149
H80CS00300	HEALTH CARE FOR THE HOMELESS HOUSTON	TX	March	323,507
H80CS00305	I.M. SULZBACHER CENTER FOR THE HOMELESS	FL	January	362,224
H80CS00306	PROJECT RENEWAL, INC	NY	January	388,882
H80CS00308	NORTHWEST COMMUNITY HEALTH CARE	RI	February	352,019
H80CS00309	CHEROKEE HEALTH SYSTEMS	TN	January	934,368
H80CS00319	COMMUNITY HEALTH ASSOCIATION OF SPOKANE	WA	January	791,398
H80CS00370	SOUTHEAST COMMUNITY HEALTH SYSTEMS	LA	January	537,890
H80CS00836	SOUTH CENTRAL PRIMARY CARE CENTER	GA	March	251,790
H80CS00841	COMMUNITY HEALTH CENTER OF SOUTHEAST KANSAS, INC.	KS	January	499,042
H80CS00842	COUNTY OF YAVAPAI	AZ	February	275,746
H80CS00843	RITCHIE COUNTY PRIMARY CARE ASSOC., INC	WV	March	281,738
H80CS00844	CLINICA MSR OSCAR A ROMERO	CA	January	422,661
H80CS00845	ST. GEORGE MEDICAL CLINIC, INC	WV	March	207,904
H80CS00846	FLORIDA DEPARTMENT OF HEALTH	FL	March	290,713
H80CS00847	NORTHLAND HEALTH PARTNERS COMMUNITY	ND	February	380,094
H80CS00848	NORTHEASTERN OKLAHOMA COMMUNITY HEALTH CENTERS, INC.	OK	January	369,969
H80CS01130	NORTON SOUND HEALTH CORPORATION	AK	January	382,757
H80CS02323	COMMUNITY ACTION CORPORATION OF SOUTH TEXAS.	TX	January	344,237
H80CS02325	INDIAN HEALTH CENTER OF SANTA CLARA VALLEY	CA	March	349,324
H80CS02326	TRI–CITY HEALTH CENTER	CA	February	475,195
H80CS02327	ASIAN HUMAN SERVICES FAMILY HEALTH CENTER	IL	February	416,022
H80CS02329	EAST BAY COMMUNITY ACTION PROGRAM	RI	February	306,700
H80CS02330	COUNTY OF NATRONA	WY	March	208,495
H80CS02331	DIRNE HEALTH CENTERS, INC	ID	January	360,421
H80CS02445	JOHNSON HEALTH CENTER	VA	January	383,590
H80CS02446	ALEXANDRIA NEIGHBORHOOD HEALTH SERVICE, INC.	VA	January	417,043
H80CS02448	SEBASTICOOK FAMILY DOCTORS	ME	February	323,260
H80CS02449	MOLOKAI OHANA HEALTH CARE, INC	HI	March	298,937
H80CS02450	HEALTH ACCESS NETWORK, INC	ME	January	349,836
H80CS02451	LONE STAR COMMUNITY HEALTH CENTER, INC	TX	February	420,764
H80CS02452	EL CENTRO DEL CORAZON	TX	February	422,756

TABLE 1—RECIPIENT AWARDEES—Continued

Grant No.	Name	State	New budget period start	Award amount
H80CS02454	FAMILY HEALTH CENTER OF SOUTHERN OKLAHOMA.	OK	February	392,320
H80CS02456	WINDROSE HEALTH NETWORK, INC	IN	March	355,898
H80CS02457	HEARTLAND COMMUNITY HEALTH CLINIC	IL	February	428,244
H80CS02458	NORTHSHORE HEALTH CENTERS, INC	IN	January	428,229
H80CS02520	NORTHEAST FLORIDA	FL	March	336,515
H80CS07772	KENTUCKY MOUNTAIN HEALTH ALLIANCE, INC	KY	March	298,382
H80CS07897	HEART OF OHIO FAMILY HEALTH CENTERS	OH	February	343,299
H80CS08730	WESTSIDE FAMILY HEALTH CENTER	CA	February	283,751
H80CS08735	CHINATOWN SERVICE CENTER	CA	March	320,601
H80CS08737	ROANOKE CHOWAN COMMUNITY HEALTH CENTER, INC.	NC	March	350,060
H80CS08738	COVENANT COMMUNITY CARE, INC	MI	January	394,653
H80CS08739	AVENAL COMMUNITY HEALTH CENTER	CA	January	400,628
H80CS08753	BUTLER COUNTY COMMUNITY HEALTH CONSORTIUM, INC.	OH	March	345,654
H80CS08760	WAYNE MEMORIAL COMMUNITY HEALTH CENTERS	PA	March	320,196
H80CS08764	MOREHOUSE COMMUNITY MEDICAL CENTERS, INC	LA	February	390,961
H80CS08765	CRESCENT COMMUNITY HEALTH CENTER	IA	March	319,712
H80CS08766	WEST CECIL HEALTH CENTER, INC	MD	March	216,646
H80CS08767	UNIVERSITY COMMUNITY HEALTH SERVICES, INC	TN	March	356,163
H80CS08769	PINES HEALTH SERVICES	ME	March	351,074
H80CS08770	HEALTH CENTER OF SOUTHEAST TEXAS	TX	March	333,315
H80CS08771	WATERFALL CLINIC, INC	OR	March	317,585
H80CS08773	INTERFAITH COMMUNITY HEALTH CENTER	WA	March	341,584
H80CS08775	LANA'I COMMUNITY HEALTH CENTER	HI	March	208,807
H80CS09032	PROJECT HOPE	NJ	March	258,740
H80CS11274	UNITY HOSPITAL OF ROCHESTER, THE	NY	March	316,732
H80CS26510	SOUTHWEST COLORADO MENTAL HEALTH CENTER, INC.	CO	March	233,306
H80CS26511	UPPER GREAT LAKES FAMILY HEALTH CENTER	MI	February	443,580
H80CS26512	PREFERRED FAMILY HEALTHCARE, INC	MO	March	233,306
H80CS26513	FIRSTMED HEALTH AND WELLNESS CENTER	NV	March	237,906
H80CS26514	TRIAD ADULT AND PEDIATRIC MEDICINE, INC	NC	March	247,777
H80CS26515	PAIUTE INDIAN TRIBE OF UTAH, THE	UT	March	233,306
H80CS26516	FREE CLINIC OF THE NEW RIVER VALLEY, INC	VA	March	236,948

FOR FURTHER INFORMATION CONTACT: Olivia Shockey, Expansion Division Director, Office of Policy and Program Development, Bureau of Primary Health Care, Health Resources and Services Administration at 301–443–9282 or at *oshockey@hrsa.gov.*

Dated: June 5, 2015.

James Macrae,

Acting Administrator.

[FR Doc. 2015–14236 Filed 6–10–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Controlled Networks

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Class Deviation from Competition Requirements for Health Center Controlled Networks.

SUMMARY: In accordance with the Awarding Agency Grants Administration Manual (AAGAM) Chapter 2.04.103, the Bureau of Primary Health Care (BPHC) has been granted a class deviation from the exceptions to maximum competition requirements contained in the AAGAM Chapter 2.04.104A–5 to provide additional funding without competition to the 37 Health Center Controlled Networks (HCCNs) awarded under announcement HRSA–13–237, extending their December 1, 2014, to November 31, 2015, budget period through July 31, 2016. This action will align the project period end dates of all active HCCN grants and ensure maximum competition for a single HCCN funding opportunity in fiscal year (FY) 2016.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Health Center Controlled Networks awarded under funding opportunity announcement HRSA–13–237.

Amount of Non-Competitive Awards: $11,909,772.

Period of Supplemental Funding: December 1, 2015, to July 31, 2016.

CFDA Number: 93.527.

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

Justification: Health Center Controlled Networks enhance the use of health information technology (HIT) to improve the quality of care provided by Health Center Program awardees and look-alikes, collectively referred to as health centers. HCCNs bring health centers together to jointly address operational and clinical challenges, particularly the acquisition and implementation of HIT in a cost-efficient manner. They help fulfill the Federal Health IT Strategic Plan and address HRSA's goal that all Health Center Program awardees will:

- Acquire and effectively implement certified Electronic Health Record (EHR) technology to enable all eligible providers to become meaningful users of EHRs as defined by the Centers for Medicare & Medicaid Services (CMS);
- access EHR incentive program payments; and

• enhance data reporting and technology-enabled quality improvement activities.

Two HCCN funding opportunities were competed in FY 2013, resulting in two grant cohorts with project period end dates that differ by 8 months: 37 grants funded under HRSA–13–237 ending November 30, 2015, and six grants funded under HRSA–13–267 ending July 31, 2016. BPHC requests to implement one project period end date for all active HCCNs, July 31, 2016, by providing an additional 8 months of support to grants funded under HRSA–13–237. Creating one funding cycle will prevent a lapse in funding that may jeopardize HIT implementation underway at the health centers receiving technical assistance from the HCCNs. By September 30, 2015, $11,909,772 will be awarded to continue the 37 grants' approved activities for 8 months (see Table 1). Awardees will report progress and financial obligations made during the 8-month budget period extension as instructed by the Notice of Award.

TABLE 1—RECIPIENT GRANTS AND AWARD AMOUNTS

Grant No.	Organization name	Award amount
H2QCS25654	ALABAMA PRIMARY HEALTH CARE ASSOCIATION, INC	$316,667
H2QCS25636	COLORADO COMMUNITY MANAGED CARE NETWORK	316,667
H2QCS25650	COMMUNITY CLINIC ASSOCIATION OF LOS ANGELES COUNTY	416,667
H2QCS25663	COMMUNITY HEALTH ACCESS NETWORK, INC	416,667
H2QCS25644	COMMUNITY HEALTH BEST PRACTICES, LLC.	262,893
H2QCS25665	COMMUNITY HEALTH CARE ASSOCIATION OF NEW YORK STATE, INC	466,654
H2QCS25655	COMMUNITY HEALTH CENTER ASSOCIATION OF CONNECTICUT	266,667
H2QCS25635	COMMUNITY HEALTH CENTERS OF ARKANSAS, INC	144,096
H2QCS25651	COUNCIL OF COMMUNITY CLINICS	266,667
H2QCS25652	GOLDEN VALLEY HEALTH CENTERS	316,667
H2QCS25659	GRACE COMMUNITY HEALTH CENTER, INC	316,667
H2QCS25637	HAWAII PRIMARY CARE ASSOCIATION	266,667
H2QCS25657	HEALTH CHOICE NETWORK, INC	466,667
H2QCS25671	HEALTH FEDERATION OF PHILADELPHIA, THE	266,667
H2QCS25638	IDAHO PRIMARY CARE ASSOCIATION	266,667
H2QCS25639	IN CONCERTCARE, INC	266,667
H2QCS25640	KANSAS ASSOCIATION FOR MEDICALLY UNDERSERVED	266,667
H2QCS25641	LOUISIANA PRIMARY CARE ASSOCIATION, INC	316,667
H2QCS25660	MAINE PRIMARY CARE ASSOCIATION	266,667
H2QCS25661	MICHIGAN PRIMARY CARE ASSOCIATION	366,352
H2QCS25642	MISSOURI COALITION FOR PRIMARY HEALTH CARE	366,667
H2QCS25643	MONTANA PRIMARY CARE ASSOCIATION, INC	316,667
H2QCS25658	NEAR NORTH HEALTH SERVICE CORPORATION, THE	416,667
H2QCS25645	NEW MEXICO PRIMARY CARE ASSOCIATION	266,667
H2QCS25647	OCHIN, INC	516,667
H2QCS25666	OHIO SHARED INFORMATION SERVICES, INC	266,667
H2QCS25649	PTSO OF WASHINGTON	416,667
H2QCS25653	REDWOOD COMMUNITY HEALTH NETWORK	266,667
H2QCS25646	SOONERVERSE, INC	266,667
H2QCS25656	SOUTHBRIDGE MEDICAL ADVISORY COUNCIL, INC	266,667
H2QCS25664	SOUTHERN JERSEY FAMILY MEDICAL CENTERS, INC	266,667
H2QCS25667	TENNESSEE PRIMARY CARE ASSOCIATION	286,443
H2QCS25648	TEXAS ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC	516,667
H2QCS25662	THE COASTAL FAMILY HEALTH CENTER, INC	266,667
H2QCS25668	VIRGINIA PRIMARY CARE ASSOCIATION, INC	366,667
H2QCS25669	WEST VIRGINIA PRIMARY CARE ASSOCIATION INC	316,667
H2QCS25670	WISCONSIN PRIMARY HEALTH CARE ASSOCIATION, INC	266,667

FOR FURTHER INFORMATION CONTACT: Olivia Shockey, Expansion Division Director, Office of Policy and Program Development, Bureau of Primary Health Care, Health Resources and Services Administration at 301–443–9282 or at *oshockey@hrsa.gov*.

Dated: June 4, 2015.

James Macrae,

Acting Administrator.

[FR Doc. 2015–14235 Filed 6–10–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 30-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 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Indian Health Service (IHS) is submitting to the Office of Management and Budget (OMB) a request for an extension of a previously approved collection of information titled, ''IHS Loan Repayment Program (LRP)'' (OMB Control Number 0917–0014), which expires July 31, 2015. This proposed information collection project was recently published in the **Federal Register** (80 FR 23558) on April 28, 2015, and allowed 60 days for public comment, as required by 44 U.S.C. 3506(c)(2)(A). The IHS received no comments regarding this collection. The purpose of this notice is to allow 30 days for public comment to be submitted directly to OMB.

A copy of the 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 format. *Need and Use of Information Collection:* The IHS LRP identifies health professionals with pre-existing financial obligations for education expenses that meet program criteria 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 full-time at an eligible Indian health program. The LRP 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: July 13, 2015. Your comments regarding this information collection are best assured of having full effect if received within 30 days of the date of this publication.

Dated: June 3, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–14234 Filed 6–10–15; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meetings of the National Institute of Child Health and Human Development Special Emphasis Panel, June 18, 2015, 8:00 a.m. to June 19, 2015, 6:00 p.m., Hilton Washington Embassy Row, 2015 Massachusetts Ave. NW., Washington, DC 20036, which was published in the **Federal Register** on April 20, 2015 (80 FR 22214).

The meeting notice is amended to change the date/time/venue from July 13, 2015 at 8:00 a.m. to 6:00 p.m., July 14, 2015, at 8:00 a.m. to 5:00 p.m. to be held at the Embassy Suite Hotel Chevy Chase, MD. The meeting is closed to the public.

Dated: June 5, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14224 Filed 6–10–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0005]

Agency Information Collection Activities: Application for Family Unity Benefits, Form I–817, 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 April 2, 2015 at 80 FR 17765, allowing for a 60-day public comment period. USCIS received two 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 July 13, 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 1615–0005.

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: If you need a copy of the information collection instrument with instructions, or additional information, please contact us at: 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. 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

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:* Application for Family Unity Benefits.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–817; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households: The information collected will be used to determine whether the applicant meets the eligibility requirements for benefits under 8 CFR 236.14 and 245a.33.

(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–817 is approximately 2,557 and the estimated hour burden per response is 2 hours per response; and the estimated number of respondents providing biometrics is 2,557 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 8,106 hours.

Dated: June 4, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–14305 Filed 6–10–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–29]

30-Day Notice of Proposed Information Collection: Single Family Premium Collection Subsystem-Periodic (SFPCS)

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:* July 13, 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 Mach 25, 2015 at 80 FR 15803.

A. Overview of Information Collection

Title of Information Collection: Single Family Premium Collection Subsystem-Periodic (SFPCS–P).

OMB Approval Number: 2502–0536.

Type of Request: Extension of a currently approved collection.

Form Numbers: None.

Description of the need for the information and proposed use: The

Single Family Premium Collection Subsystem-Periodic (SFPCS–P) allows the lenders to remit the Periodic Mortgagee Insurance using funds obtained from the mortgagor during the collection of the monthly mortgage payment. The SFPCS–P strengthens HUD's ability to manage and process periodic single-family mortgage insurance premium collections and corrections to submitted data. It also improves date integrity for the Single Family Mortgage Insurance Program. Therefore, the FHA approved lenders use the automated Clearing House (ACH) application for all transmissions with SFPCS–P. The authority for this collection of information is specified in 24 CFR 203.264 AND 24 CFR 203.269. In general, the lenders use the ACH application to remit the periodic premium payments through SFPCS–P for the required FHA insured cases and to comply with the Credit Reform Act.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,536.

Estimated Number of Responses: 18,432.

Frequency of Response: 12.

Average Hours per Response: 15.

Total Estimated Burdens: 2,765.

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: June 2, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–14307 Filed 6–10–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–28]

30-Day Notice of Proposed Information Collection: Single Family Mortgage Insurance on Hawaiian Homelands

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:* July 13, 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 Mach 25, 2015 at 80 FR 15803.

A. Overview of Information Collection

Title of Information Collection: Single Family Mortgage Insurance on Hawaiian Homelands.

OMB Approval Number: 2502–0358.

Type of Request: Extension without change of a currently approved collection.

Form Numbers: None.

Description of the need for the information and proposed use: FHA insures mortgages on single-family dwellings under provisions of the National Housing Act (12 U.S.C. 1709). The Housing and Urban Rural Recovery Act (HURRA), P.L. 98–181, amended the National Housing Act to add Section 247 (12 U.S.C. 1715z–12) to permit FHA to insure mortgages for properties located on Hawaiian Homelands. Under this program, the mortgagor must be a native Hawaiian. Section 247 requires that the Department of Hawaiian Homelands (DHHL) of the State of Hawaii (a) will be a co-mortgagor; (b) guarantees or reimburses the Secretary for any mortgage insurance claim paid in connection with a property on Hawaiian homelands; or (c) offers other security acceptable to the Secretary.

In accordance with 24 CFR 203.43i, the collection of information is verification that a loan applicant is a native Hawaiian and that the applicant holds a lease on land in a Hawaiian Homelands area. A borrower must obtain verification of eligibility from DHHL and submit it to the lender. A borrower cannot obtain a loan under these provisions without proof of status as a native Hawaiian. United States citizens living in Hawaii are not eligible for this leasehold program unless they are native Hawaiians. The eligibility document is required to obtain benefits.

In accordance with 24 CFR 203.439(c), lenders must report monthly to HUD and the DHHL on delinquent borrowers and provide documentation to HUD to support that the loss mitigation requirements of 24 CFR 203.604 have been met. To assist the DHHL in identifying delinquent loans, lenders report monthly. A delinquent mortgage that is reported timely would allow DHHL to intervene and prevent foreclosure.

Respondents: Individual or household.

Estimated Number of Respondents: 160.

Estimated Number of Responses: 315.

Frequency of Response: On occasion.

Average Hours per Response: .26.

Total Estimated Burdens: 59.

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: June 2, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–14311 Filed 6–10–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2015–N116; 91100–3740–GRNT 7C]

Meeting Announcement: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet to select North American Wetlands Conservation Act (NAWCA) U.S. Standard grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This meeting is open to the public, and interested persons may present oral or written statements.

DATES: The meeting is scheduled for June 23, 2015, at 8:30 a.m. (PDT). If you are interested in presenting information at this public meeting, contact the acting Council Coordinator no later than June 19, 2015.

ADDRESSES: Meeting venue will be located at The Westerly Hotel and Convention Centre, 1590 Cliffe Avenue, Courtenay, BC, V9N 2K4, Canada. Participants can join the meeting via telephone by calling the toll-free number 1–877–413–4791; when prompted, enter participant passcode 6532444#.

FOR FURTHER INFORMATION CONTACT: Michael Johnson, Acting Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, VA 22041.

SUPPLEMENTARY INFORMATION:

About the Council

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation and final funding approval by the Commission.

About NAWCA

The North American Wetlands Conservation Act of 1989 provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *http://www.fws.gov/birds/grants.*

Public Input

If you wish to:	You must contact the Acting Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
(1) Listen to Council Meeting.	June 23, 2015.
(2) Submit written information or questions before the Council meeting for consideration during the meeting.	June 19, 2015.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. If you wish to submit a written statement, so that the information may be made available to the Council for their consideration prior to this meeting, you must contact the acting Council Coordinator by the date above. Written statements must be supplied to the acting Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the meeting will be limited to 2 minutes per speaker, with no more than a total of 10 minutes for all speakers. Interested parties should contact the acting Council Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary minutes of the Council meeting will be maintained by the acting Council Coordinator at the address listed under **FOR FURTHER INFORMATION CONTACT**. Meeting notes can be obtained by contacting the acting Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2015–14266 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010.999900 253G]

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rate adjustments.

SUMMARY: The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We request your comments on the proposed rate adjustments.

DATES: Interested parties may submit comments on the proposed rate adjustments on or before August 10, 2015.

ADDRESSES: All comments on the proposed rate adjustments must be in writing and addressed to: Yulan Jin, Chief, Division of Water and Power, Office of Trust Services, Mail Stop 4637–MIB, 1849 C Street NW., Washington, DC 20240, Telephone (202) 219–0941.

FOR FURTHER INFORMATION CONTACT: For details about a particular irrigation project, please use the tables in **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

SUPPLEMENTARY INFORMATION: The first table in this notice provides contact information for individuals who can give further information about the irrigation projects covered by this notice. The second table provides the current 2014 irrigation assessment rates, the proposed rates for the 2015 irrigation season, and proposed rates for subsequent years where these are available.

What is the meaning of the key terms used in this notice?

In this notice:

Administrative costs means all costs we incur to administer our irrigation projects at the local project level and are a cost factor included in calculating your operation and maintenance assessment. Costs incurred at the local project level do not normally include Agency, Region, or Central Office costs unless we state otherwise in writing.

Assessable acre means lands designated by us to be served by one of our irrigation projects, for which we collect assessments in order to recover costs for the provision of irrigation service. (See *total assessable acres.*)

BIA means the Bureau of Indian Affairs.

Bill means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand-deliver your bill will be stated on it.

Costs means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility. (See administrative costs, operation costs, maintenance costs, and rehabilitation costs).

Customer means any person or entity to which we provide irrigation service.

Due date is the date on which your bill is due and payable. This date will be stated on your bill.

I, me, my, you and *your* means all persons or entities that are affected by this notice.

Irrigation project means a facility or portion thereof for the delivery, diversion, and storage of irrigation water that we own or have an interest in, including all appurtenant works. The term ''irrigation project'' is used interchangeably with irrigation facility, irrigation system, and irrigation area.

Irrigation service means the full range of services we provide customers of our irrigation projects. This includes our activities to administer, operate, maintain, and rehabilitate our projects in order to deliver water.

Maintenance costs means costs we incur to maintain and repair our irrigation projects and associated equipment and are a cost factor included in calculating your operation and maintenance assessment.

Operation and maintenance (O&M) assessment means the periodic charge you must pay us to reimburse costs of administering, operating, maintaining, and rehabilitating irrigation projects consistent with this notice and our supporting policies, manuals, and handbooks.

Operation or operating costs mean costs we incur to operate our irrigation projects and equipment and are a cost factor included in calculating your O&M assessment.

Past due bill means a bill that has not been paid by the close of business on the 30th day after the due date as stated on the bill. Beginning on the 31st day after the due date, we begin assessing additional charges accruing from the due date.

Rehabilitation costs means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

Responsible party means an individual or entity that owns or leases land within the assessable acreage of one of our irrigation projects and is responsible for providing accurate information to our billing office and paying a bill for an annual irrigation rate assessment.

Total assessable acres means the total acres served by one of our irrigation projects.

Water delivery is an activity that is part of the irrigation service we provide our customers when water is available.

We, us, and *our* means the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Publishing Office at *http://www.gpo.gov.*

Why are you publishing this notice?

We are publishing this notice to notify you that we propose to adjust our irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, found at 25 CFR part 171. This regulation provides for the establishment and publication of the rates for annual irrigation assessments as well as related information about our irrigation projects.

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual.

When will you put the rate adjustments into effect?

We will put the rate adjustments into effect for the 2015 irrigation season and subsequent years where applicable.

How do you calculate irrigation rates?

We calculate annual irrigation assessment rates in accordance with 25 CFR part 171.500 by estimating the annual costs of operation and maintenance at each of our irrigation projects and then dividing by the total assessable acres for that particular irrigation project. The result of this calculation for each project is stated in the rate table in this notice.

What kinds of expenses do you consider in determining the estimated annual costs of operation and maintenance?

Consistent with 25 CFR part 171.500, these expenses include the following:

(a) Salary and benefits for the project engineer/manager and project

employees under the project engineer/manager's management or control;

(b) Materials and supplies;

(c) Vehicle and equipment repairs;

(d) Equipment costs, including lease fees;

(e) Depreciation;

(f) Acquisition costs;

(g) Maintenance of a reserve fund available for contingencies or emergency costs needed for the reliable operation of the irrigation facility infrastructure;

(h) Maintenance of a vehicle and heavy equipment replacement fund;

(i) Systematic rehabilitation and replacement of project facilities;

(j) Carriage Agreements for the transfer of project water through irrigation facilities owned by others;

(j) Any water storage fees for non BIA-owned reservoirs, as applicable;

(j) Contingencies for unknown costs and omitted budget items; and

(k) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When should I pay my irrigation assessment?

We will mail or hand-deliver your bill notifying you (a) the amount you owe to the United States and (b) when such amount is due. If we mail your bill, we will consider it as being delivered no later than 5 business days after the day we mail it. You should pay your bill by the due date stated on the bill.

What information must I provide for billing purposes?

All responsible parties are required to provide the following information to the billing office associated with the irrigation project where you own or lease land within the project's assessable acreage or to the billing office associated with the irrigation project with which you have a carriage agreement:

(1) The full legal name of person or entity responsible for paying the bill;

(2) An adequate and correct address for mailing or hand delivering our bill; and

(3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

Why are you collecting my taxpayer identification number or social security number?

Public Law 104–134, the Debt Collection Improvement Act of 1996, requires that we collect the taxpayer identification number or social security number before billing a responsible party and as a condition to servicing the account.

What happens if I am a responsible party but I fail to furnish the information required to the billing office responsible for the irrigation project within which I own or lease assessable land or for which I have a carriage agreement?

If you are late paying your bill because of your failure to furnish the required information listed above, you will be assessed interest and penalties as provided below, and your failure to provide the required information will not provide grounds for you to appeal your bill or any penalties assessed.

What can happen if I do not provide the information required for billing purposes?

We can refuse to provide you irrigation service.

If I allow my bill to become past due, could this affect my water delivery?

Yes. 25 CFR 171.545(a) states: ''We will not provide you irrigation service until: (1) Your bill is paid; or (2) You make arrangement for payment pursuant to § 171.550 of this part.'' If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. This past due notice will have additional information concerning your rights. We will consider your past due notice as delivered no later than 5 business days after the day we mail it. We follow the procedures provided in 31 CFR 901.2, ''Demand for Payment,'' when demanding payment of your past due bill.

Are there any additional charges if I am late paying my bill?

Yes. We will assess you interest on the amount owed, using the rate of interest established annually by the Secretary of the United States Treasury (Treasury) to calculate what you will be assessed . You will not be assessed this charge until your bill is past due. However, if you allow your bill to become past due, interest will accrue from the original due date, not the past due date. Also, you will be charged an administrative fee of $12.50 for each time we try to collect your past due bill. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of 6 percent per year, which will accrue from the date your bill initially became past due. Pursuant to 31 CFR 901.9, ''Interest, penalties and administrative costs,'' as a Federal agency, we are required to charge interest, penalties, and administrative costs in accordance with 31 U.S.C. 3717

What else will happen to my past due bill?

If you do not pay your bill or make payment arrangements to which we agree, we are required to send your past due bill to the Treasury for further action. Under the provisions of 31 CFR 901.1, ''Aggressive agency collection activity,'' federal agencies should consider referring debts that are less than 180 days delinquent, and we must send any unpaid annual irrigation assessment bill to Treasury no later than 180 days after the original due date of the bill.

Who can I contact for further information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/agency contacts
Northwest Region Contacts	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 N.E. 11th Avenue, Portland, Oregon 97232–4169, Telephone: (503) 231–6702.	
Flathead, Irrigation Project	Ernest Moran, Superintendent, Pete Plant, Irrigation Project Manager, P.O. Box 40, Pablo, MT 59855, Telephones: (406) 675–2700 x1300 Superintendent, (406) 745–2661 x2 Project Manager.
Fort Hall, Irrigation Project	Randy Thompson, Acting Superintendent, David Bollinger, Irrigation Project Manager, P.O. Box 220, Fort Hall, ID 83203–0220, Telephone: (208) 238–2301 Superintendent.

Project name	Project/agency contacts
Wapato, Irrigation Project	Edwin Lewis, Project Administrator, P.O. Box 220, Wapato, WA 98951–0220, Telephone: (509) 877–3155.
Rocky Mountain Region Contacts	
Darryl LaCounte, Acting Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 247–7943.	
Blackfeet, Irrigation Project	Thedis Crowe, Acting Superintendent, Greg Tatsey, Irrigation Project Manager, Box 880, Browning, MT 59417, Telephones: (406) 338–7544, Superintendent, (406) 338–7519, Irrigation Project Manager.
Crow, Irrigation Project	Vianna Stewart, Superintendent, Vacant, Irrigation Project Manager, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638–2672, Superintendent, (406) 638–2863, Irrigation Project Manager.
Fort Belknap, Irrigation Project	Sarah Fallsdown, Acting Superintendent, Vacant, Irrigation Project Manager, (Project operations & management contracted to Tribes), R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353–2901, Superintendent, (406) 353–8454, Irrigation Project Manager (Tribal Office).
Fort Peck, Irrigation Project	Howard Beemer, Superintendent, Huber Wright, Acting Irrigation Project Manager, P.O. Box 637, Poplar, MT 59255, Telephones: (406) 768–5312, Superintendent, (406) 653–1752, Irrigation Project Manager.
Wind River, Irrigation Project	Norma Gourneau, Superintendent, Vacant, Irrigation Project Manager, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332–7810, Superintendent, (307) 332–2596, Irrigation Project Manager.
Southwest Region Contacts	
William T. Walker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, Albuquerque, New Mexico 87104, Telephone: (505) 563–3100.	
Pine River, Irrigation Project	Priscilla Bancroft, Acting Superintendent, Vickie Begay, Irrigation Project Manager, P.O. Box 315, Ignacio, CO 81137–0315, Telephones: (970) 563–4511, Superintendent, (970) 563–9484, Irrigation Project Manager.
Western Region Contacts	
Bryan Bowker, Regional Director, Bureau of Indian Affairs, Western Regional Office, 2600 N. Central Ave., 4th Floor Mailroom, Phoenix, Arizona 85004, Telephone: (602) 379–6600.	
Colorado River, Irrigation Project	Kellie Youngbear Superintendent, Gary Colvin, Irrigation Project Manager, 12124 1st Avenue, Parker, AZ 85344, Telephone: (928) 669–7111.
Duck Valley, Irrigation Project	Joseph McDade, Superintendent, (Project operations & management compacted to Tribes), 2719 Argent Ave., Suite 4, Gateway Plaza, Elko, NV 89801, Telephone: (775) 738–5165, (208) 759–3100, (Tribal Office).
Yuma Project, Indian Unit	Irene Herder, Superintendent, 256 South Second Avenue, Suite D, Yuma, AZ 85364, Telephone: (928) 782–1202.
San Carlos, Irrigation Project, Indian Works and Joint Works	Ferris Begay, Project Manager, Clarence Begay, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85128, Telephone: (520) 723–6225.
Uintah, Irrigation Project	Bart Stevens Superintendent, Ken Asay, Irrigation System Manager, P.O. Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722–4300, (435) 722–4344.
Walker River, Irrigation Project	Marilyn Bitsillie, Acting Superintendent, 311 E. Washington Street, Carson City, NV 89701, Telephone: (775) 887–3500.

What irrigation assessments or charges are proposed for adjustment by this notice?

The rate table below contains the current rates for all irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains the proposed rates for the 2015 season and subsequent years where applicable. An asterisk immediately following the name of the project notes the irrigation projects where rates are proposed for adjustment.

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Project Name	Rate Category	Final 2014 Rate	Proposed 2015 Rate	Proposed 2016 Rate
Flathead Irrigation Project * (See Note #1)	Basic-per acre – A	$26.00	$26.00	$33.50
	Basic-per acre – B	$11.75	$13.00	$16.75
	Minimum Charge per tract	$65.00	$75.00	$75.00
Fort Hall Irrigation Project *	Basic-per acre	$47.00	$49.00	To Be Determined
	Minimum Charge per tract	$32.50	$35.00	To Be Determined
Fort Hall Irrigation Project - Minor Units *	Basic-per acre	$24.00	$27.00	To Be Determined
	Minimum Charge per tract	$32.50	$35.00	To Be Determined
Fort Hall Irrigation Project – Michaud *	Basic-per acre	$47.00	$50.50	To Be Determined
	Pressure per acre	$65.00	$72.50	To Be Determined
	Minimum Charge per tract	$32.50	$35.00	To Be Determined
Wapato Irrigation Project – Toppenish/Simcoe Units *	Minimum Charge for per bill	$23.00	$24.00	To Be Determined
	Basic-per acre	$23.00	$24.00	To Be Determined
Wapato Irrigation Project - Ahtanum Units *	Minimum Charge per bill	$24.00	$25.00	To Be Determined
	Basic-per acre	$24.00	$25.00	To Be Determined
Wapato Irrigation Project - Satus Unit *	Minimum Charge for per bill	$76.00	$79.00	To Be Determined
	"A" Basic-per acre	$76.00	$79.00	To Be Determined
	"B" Basic-per acre	$82.00	$85.00	To Be Determined
Wapato Irrigation Project - Additional Works*	Minimum Charge per bill	$71.00	$75.00	To Be Determined
	Basic-per acre	$71.00	$75.00	To Be Determined
Wapato Irrigation Project - Water Rental*	Minimum Charge	$84.00	$86.00	To Be Determined
	Basic-per acre	$84.00	$86.00	To Be Determined

Rocky Mountain Region Rate Table			
Project Name	Rate Category	Final 2014 Rate	Proposed 2015 Rate
Blackfeet Irrigation Project*	Basic-per acre	$19.50	$20.00
Crow Irrigation Project – Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units)	Basic-per acre	$24.80	$24.80
Crow Irrigation Project – All Others (includes Bighorn, Soap Creek, and Pryor Units)*	Basic-per acre	$24.50	$24.80
Crow Irrigation Project - Two Leggins Unit	Basic-per acre	$14.50	$14.50
Crow Irrigation Two Leggins Drainage District	Basic-per acre	$2.00	$2.00
Fort Belknap Irrigation Project	Basic-per acre	$15.00	$15.00
Fort Peck Irrigation Project*	Basic-per acre	$26.00	$26.00
Wind River Irrigation Project – Units 2, 3 and 4*	Basic-per acre	$21.00	$21.00
Wind River Irrigation Project – LeClair District * (see Note#2)	Basic-per acre	$28.80	$22.00
Wind River Irrigation Project – Crow Heart Unit*	Basic-per acre	$14.00	$14.00
Wind River Irrigation Project – A Canal Unit*	Basic-per acre	$14.00	$14.00
Wind River Irrigation Project – Riverton Valley Irrigation District	Basic-per acre	$21.00	$24.00

Southwest Region Rate Table			
Project Name	Rate Category	Final 2014 Rate	Proposed 2015 Rate
Pine River Irrigation Project*	Minimum Charge per tract	$50.00	$50.00
	Basic-per acre	$15.00	$17.00

Western Region Rate Table

Project Name	Rate Category	Final 2014 Rate	Proposed 2015 Rate	Proposed 2016 Rate
Colorado River Irrigation Project	Basic-per acre up to 5.75 acre-feet	$54.00	$54.00	To be determined
	Excess Water per acre-foot over 5.75 acre-feet	$17.00	$17.00	
Duck Valley Irrigation Project	Basic-per acre	$5.30	$5.30	
Yuma Project, Indian Unit (See Note #3)	Basic-per acre up to 5.0 acre-feet	$91.00	$108.50	
	Excess Water per acre-foot over 5.0 acre-feet	$17.00	$24.50	
	Basic-per acre up to 5.0 acre-feet (Ranch 5)	$91.00	$108.50	
San Carlos Irrigation Project (Joint Works)* (See Note #4)	Basic-per acre	$30.00	$35.00	$30.00
	Proposed 2015 – 2016 Construction Water Rate Schedule:			

	Off Project Construction	On Project Construction - Gravity Water	On Project Construction - Pump Water
Administrative Fee	$300.00	$300.00	$300.00
Usage Fee	$250.00 per month	No Fee	$100.00 per acre-foot
Excess Water Rate†	$5 per 1000 gal	No charge	No charge

†The excess water rate applies to all water used in excess of 50,000 gallons in any one month.

San Carlos Irrigation Project (Indian Works) * (See Note#5)	Basic-per acre	$81.00	$86.00	To be determined
Uintah Irrigation Project*	Basic-per acre	$18.00	$18.00	
	Minimum Bill	$25.00	$25.00	
Walker River Irrigation Project *	Basic-per acre	$28.00	$31.00	

* Notes irrigation projects where rates are proposed for adjustment.

Note #1—The BIA reassumed Management and Operation of the Flathead Indian Irrigation Project in April 2014. The 2014 and 2015 rates were established by the previous Project Operator and are considered final.

Note #2—The O&M rate varies yearly based upon the budget submitted by the LeClair District.

Note #3—The O&M rate for the Yuma Project, Indian Unit has two components. The first component is the O&M rate established by the Bureau of Reclamation (BOR), the owner and operator of the Project. The BOR rate for 2015 is proposed to be $107/acre. The second component is for the O&M rate established by BIA to cover administrative costs including billing and collections for the Project. The 2015 BIA rate is proposed to be $1.50/acre.

Note #4—The construction water rate schedule proposes the fees assessed for use of irrigation water for non-irrigation purposes.

The final 2015 rate for the SCIP–JW was established by **Federal Register** Notice on March 6, 2015 (80 FR 12197). This notice proposes the 2016 rate for the SCIP–JW. The Project recommended a rate of $30/acre for FY 2016. However, BIA recently completed a technical report indicating that the deferred maintenance costs for Coolidge Dam will be much higher than originally estimated. Therefore, this notice proposes to retain the $35/acre O&M rate for the Project in order to collect an additional $500,000 for Coolidge Dam deferred maintenance. The Project provided the technical report to the water users for review and comment.

Note #5—The 2015 O&M rate for the San Carlos Irrigation Project—Indian Works has three components. The first component is the O&M rate established by the San Carlos Irrigation Project—Indian Works, the owner and operator of the Project; this rate is proposed to be $45 per acre. The second component is for the O&M rate established by the San Carlos Irrigation Project—Joint Works and is determined to be $35.00 per acre. The third component is the O&M rate established by the San Carlos Irrigation Project Joint Control Board and is proposed to be $6 per acre.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

To fulfill its consultation responsibility to tribes and tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by Project, Agency, and Regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposed rate adjustments be implemented. This is a notice for rate adjustments at BIA-owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Reservation.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish ''a rule of particular applicability relating to rates.'' 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These rate adjustments do not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on the private sector, of more than $130 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (Executive Order 12630)

The Department has determined that these rate adjustments do not have significant ''takings'' implications. The rate adjustments do not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

The Department has determined that these rate adjustments do not have significant Federalism effects because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

Civil Justice Reform (Executive Order 12988)

In issuing this rule, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires March 31, 2016.

National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370(d)).

Data Quality Act

In developing this notice, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

Dated: June 4, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–14211 Filed 6–10–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0025

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for its maintenance of state programs and procedures for substituting Federal enforcement of state programs and withdrawing approval of state programs, has been

forwarded to the Office of Management and Budget (OMB) for review and approval. The information collection request describes the nature of the information collection and its expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 13, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB Control Number 1029–0025 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this information collection request on the Internet by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted the request to OMB to renew its approval for the collection of information found at 30 CFR part 733. OSMRE is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0025, and may be found in OSMRE's regulations at 30 CFR part 733.10. Individuals are required to respond to obtain a benefit.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection was published on March 17, 2015 (80 FR 13885). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR part 733—Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs.

OMB Control Number: 1029–0025.

Summary: This part provides that any interested person may request the Director of OSMRE to evaluate a State program by setting forth in the request a concise statement of facts that the person believes establishes the need for the evaluation. *Bureau Form Number:* None.

Frequency of Collection: Once.

Description of Respondents: Any interested person (individuals, businesses, institutions, organizations).

Total Annual Responses: 1.

Total Annual Burden Hours: 60.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the places listed under **ADDRESSES**. Please refer to control number 1029–0025 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 8, 2015.

John A. Trelease,

Acting Chief/Division of Regulatory Support.

[FR Doc. 2015–14269 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0111

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for Areas Designated by Act of Congress, has been submitted to the Office of Management and Budget (OMB) for review and approval. The information collection request describes the nature of the information collection and the expected burden and cost. This information collection activity was previously approved by OMB and assigned control number 1029–0111.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 13, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB Control Number 1029–0111 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this information collection request on the Internet by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork

Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR part 761—Areas Designated by Act of Congress. OSMRE is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0111. Responses are required to obtain a benefit for this collection.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments for these collections of information was published on March 17, 2015 (80 FR 13887). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR part 761—Areas Designated by Act of Congress.

OMB Control Number: 1029–0111.

Summary: OSMRE and State regulatory authorities use the information collected under 30 CFR part 761 to ensure that persons planning to conduct surface coal mining operations on the lands protected by § 522(e) of the Surface Mining Control and Reclamation Act of 1977 have the right to do so under one of the exemptions or waivers provided by this section of the Act.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: 7 applicants for certain surface coal mine permits and the corresponding State regulatory authorities.

Total Annual Responses: 57.

Total Annual Burden Hours: 267.

Total Annual Non-Hour Burden Costs: $1,020.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the individual listed in **ADDRESSES**. Please refer to OMB control number 1029–0111 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 8, 2015.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2015–14271 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0061

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed approval for the collection of information for the Permanent Regulatory Program—Small Operator Assistance Program (SOAP). This collection request has been forwarded to the Office of Management and Budget (OMB) for review and approval. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 13, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 203—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB Control Number 1029–0061 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact John Trelease at (202) 208–2783, or via email at *jtrelease@osmre.gov.* You may also review this information collection request by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR part 795—Permanent Regulatory Program—Small Operator Assistance Program. OSMRE is requesting a 3-year term of approval for the information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0061. Responses are required to obtain a benefit.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on March 17, 2015 (80 FR 13887). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: 30 CFR part 795—Permanent Regulatory Program—Small Operator Assistance Program.

OMB Control Number: 1029–0061.

Summary: This information collection requirement is needed to provide assistance to qualified small mine operators under section 507(c) of P.L. 95–87. The information requested will provide the regulatory authority with data to determine the eligibility of the applicant and the capability and expertise of laboratories to perform required tasks.

Bureau Form Number: N/A.

Frequency of Collection: Once per application.

Description of Respondents: Small operators, laboratories, and State regulatory authorities (SRAs).

Total Annual Responses: 4.

Total Annual Burden Hours: 93 hours. This includes 18 hours per operator to complete form, 1 hour for laboratory to request contract, 70 hours for SRAs to award laboratory contract, and 4 hours for SRAs to review application and prepare response letter.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the places listed under **ADDRESSES**. Please refer to control number 1029–0061 in your correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment–including your personal identifying information–may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 8, 2015.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2015–14270 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0103

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request regarding the certification of a State or Tribe for noncoal reclamation has been forwarded to the Office of Management and Budget (OMB) for renewed approval. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 13, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB Control Number 1029–0103 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this information collection request by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSMRE has submitted a request to OMB to renew its approval of the collection of information for 30 CFR part 875—Noncoal Reclamation. OSMRE is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Responses are required to obtain a benefit. The OMB control number for this collection of information is listed in 30 CFR 875.10, which is 1029–0103.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on March 17, 2015 (80 FR 13889). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR part 875—Noncoal Reclamation.

OMB Control Number: 1029–0103.

Summary: This part establishes procedures and requirements for State and Indian tribes to conduct noncoal reclamation using abandoned mine land funding. The information is needed to assure compliance with the Surface Mining Control and Reclamation Act of 1977.

Bureau Form Numbers: None.

Frequency of Collection: Once.

Description of Respondents: State governments and Indian Tribes.

Total Annual Responses: 1.

Total Annual Burden Hours: 84.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the places listed under **ADDRESSES**. Please refer to control number 1029–0103 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 8, 2015.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2015–14268 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On June 4, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Mississippi, Southern Division in the lawsuit entitled *United States of America* v. *Stewart Gammill III and Lynn Crosby Gammill.* Civil Action No. 1:12cv134 HSO–RHW.

The United States had filed a complaint against Lynn Crosby Gammill

(Mrs. Gammill) and her spouse Stewart Gammill (Mr. Gammill) on April 30, 2012. The complaint alleged claims against Mr. and Mrs. Gammill under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), 42 U.S.C. 9607(a), for recovery of unreimbursed costs incurred by the United States with respect to the Picayune Wood Treating Superfund Site located in Picayune, Pearl River County, Mississippi (the Site). By a Consent Decree entered in this case by the United States District Court for the District of Mississippi, Southern Division on September 17, 2013, Mr. Gammill paid $2 million in resolution of the claims asserted against him.

The United States has agreed to resolve the claims against Mrs. Gammill in the proposed Consent Decree under the following terms: Mrs. Gammill will pay the United States $1,723,722.00 plus interest. Mrs. Gammill may pay in two installments: The first installment of $574,574 within thirty days of Decree entry, with the remaining $1,149,148, plus interest, due one year later.

The United States covenants not to sue under CERCLA Sections 106 and 107 subject to statutory reopeners and other reserved rights. The covenants are conditioned upon the satisfactory performance of all obligations under the Consent Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Stewart Gammill III and Lynn Crosby Gammill.* Civil Action No. 1:12cv134 HSO–RHW; D.J. Ref. No. 90–11–2–09451/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.00 (25 cents per page reproduction costs for 20 pages) payable to the United States Treasury.

Henry S. Friedman,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–14253 Filed 6–10–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0061]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of an Extension of a Currently Approved Collection; Request To Change III/NGI Base Identifier(s) (1–542)

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day Notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C–2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306 (facsimile: 304–625–5093).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* Request to Change III/NGI Base Identifier(s).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* 1–542.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to report completion of an identity history summary. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that approximately 114,000 agencies will complete each form within fifteen minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 28,500 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: June 8, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–14281 Filed 6–10–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0096]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Environmental Information

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Christopher Reeves, Chief, Federal Explosives Licensing Center at *Christopher.Reeves@atf.gov,* 244 Needy Road, Martinsburg, WV 25405.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0096:

1. *Type of Information Collection:* Extension without change of an existing collection.

2. *The Title of the Form/Collection:* Environmental Information.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5000.29.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individual or households.

Other: None.

Abstract: The information will help ATF identify any waste product(s) generated as a result of the operations by the applicant and the disposal of the products. The information will help determine if there is any adverse impact on the environment.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 680 respondents will take 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 340 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: June 8, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–14265 Filed 6–10–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1690]

Conference Call Meeting of the Department of Justice's (DOJ's) National Motor Vehicle Title Information System (NMVTIS) Federal Advisory Committee

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of conference call meeting.

SUMMARY: This is an announcement of a conference call meeting of DOJ's National Motor Vehicle Title Information System (NMVTIS) Federal Advisory Committee to discuss various issues relating to the operation and implementation of NMVTIS.

DATES: The conference call meeting will take place on Monday, June 15, 2015, from 1:00 p.m. to 3:00 p.m. ET.

ADDRESSES: The meeting will take place as a conference call hosted by the Bureau of Justice Assistance.

FOR FURTHER INFORMATION CONTACT: Todd Brighton, Designated Federal Employee (DFE), Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531; Phone: (202) 616–3879 [note: this is not a toll-free number]; Email: *Todd.Brighton@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This conference call meeting is open to the public. Members of the public who wish to dial into the call must register with Mr. Brighton at the above email address at least seven (7) days in advance of the meeting. Anyone requiring special accommodations should notify Mr. Brighton at least seven (7) days in advance of the meeting.

Purpose

The NMVTIS Federal Advisory Committee will provide input and recommendations to the Office of Justice Programs (OJP) regarding the operations and administration of NMVTIS. The primary duties of the NMVTIS Federal Advisory Committee will be to advise the Bureau of Justice Assistance (BJA) Director on NMVTIS-related issues, including but not limited to: Implementation of a system that is self-sustainable with user fees; options for alternative revenue-generating opportunities; determining ways to enhance the technological capabilities of the system to increase its flexibility; and options for reducing the economic

burden on current and future reporting entities and users of the system.

Todd Brighton,

NMVTIS Enforcement Coordinator, Bureau of Justice Assistance, Office of Justice Programs.

[FR Doc. 2015–13779 Filed 6–10–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for the Labor Exchange Reporting System (LERS), OMB Control No. 1205–0240, Extension With Minor Revisions

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)] (PRA). The PRA helps ensure that respondents can provide requested data in the desired format with minimal reporting burden (time and financial resources), collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data about LERS, which facilitates reporting for the Wagner-Peyser Act through the ETA 9002 reports and for Veterans' Employment and Training Service (VETS) through the VETS 200 reports. The current expiration date is August 31, 2015.

DATES: Submit written comments to the office listed in the addresses section below on or before August 10, 2015.

ADDRESSES: Send written comments to Karen Staha, Office of Policy Development and Research, Room N–5641, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3700 (this is not a toll-free number). Fax: 202–693–2766. Email: *ETAPerforms@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

FOR FURTHER INFORMATION CONTACT: Luke Murren at 202–693–3733 or *murren.luke@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each quarter, States and territories submit data on individuals and employers who receive core employment and workforce information services through the public labor exchange and VETS funded labor exchange of the States' one-stop delivery systems. These data are used by ETA and VETS to evaluate performance and delivery of labor exchange services within the one-stop delivery system.

ETA and VETS use the data to track total participants, their characteristics, services provided, and outcomes for job seekers. Additionally, ETA and VETS analyze the data to verify the delivery of core labor exchange services within the Workforce Investment Act of 1998 (WIA) framework; to study performance outcomes vis-à-vis performance measures, and State policies and procedures; and to help drive the workforce investment system toward continuous improvement of outcomes and integrated service delivery. Within ETA, the data are used by the Office of Workforce Investment, the Office of Unemployment Insurance, the Office of Financial Administration, the Office of Policy Development and Research, and the Office of Regional Management (including the regional offices). Other Departmental users include the Office of the Assistant Secretary for Employment and Training and the Office of the Assistant Secretary for Policy.

The reports and other analyses of the data are made available to the States, members of Congress, veterans' organizations, research firms, and others needing information on public employment and workforce information services. Data on Wagner-Peyser Act funded public labor exchange is included in the WIA annual report to Congress. VETS funded labor exchange services are provided to Congress to meet VETS reporting requirements codified in Title 38 of the United States Code.

Currently, LERS is the only mechanism for collecting performance information on Wagner-Peyser Act funded and Jobs for Veterans' state grants. As such, this set of reports is necessary for tracking and reporting to stakeholders data on the usage and performance of these programs. More specifically, these reports are used to monitor the core purpose of the program—mainly, tracking how many people found jobs; did people stay employed; and what were their earnings.

Information is collected on the ETA 9002 and VETS 200 reports under the following authority:

- Wagner-Peyser Act sec. 3(a), 29 U.S.C. 49b(a)
- Wagner-Peyser Act sec. 3(c), 29 U.S.C. 49b(c)
- Wagner-Peyser Act sec. 7(b), 29 U.S.C. 49f(b)
- Wagner-Peyser Act sec. 10(c), 29 U.S.C. 49i(c)
- Wagner-Peyser Act sec. 13(a), 29 U.S.C. 49l(a)
- Wagner-Peyser Act sec. 15(e)(2)(I), 29 U.S.C. 49l–2(e)(2)(I)
- Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, Executive Office of the President, Office of Management and Budget (66 FR 3829–3831); and ''Revisions to the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, (62 FR 58781–58790).
- Priority of Service for veterans in Department of Labor job training programs sec. 38 U.S.C. 4215(a)(2).

In 2012, ETA modified the reporting system to collect several additional statutorily required pieces of information. The first of which pertains to the priority of service provisions contained in the Jobs for Veterans Act (Pub. L.107–288). These provisions provide that veterans and spouses of veterans (together comprising the category of covered persons) are entitled to priority over non-covered persons for the receipt of employment, training, and placement services provided under new or existing qualified job training programs. Qualified job training programs are defined at 38 U.S.C. 4215(a)(2) as any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department.

Additional items are required under Pub. L. 112–56, Title II, Vow to Hire Heroes, Sections 238 and 239, and pertain to: (1) Performance measures on job counseling, training and placement programs of the Department, and; (2) clarifications of priority of service for veterans in the Department's job training programs.

These requirements impacted both the ETA 9002 and VETS 200 reports. Lastly, the expansive focus on veteran reemployment initiatives has necessitated collection of additional information on groups of veterans (such as Post 9/11 era veterans), targeted services they received, and additional aspects of their outcomes in order to monitor and oversee their effectiveness.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension with minor revisions.

Title: Labor Exchange Reporting System (LERS).

OMB Number: 1205–0240.

Affected Public: State, local, and tribal government entities and private non-profit organizations.

Form(s): ETA–9002, VETS–200, Employment and Training (ET) Handbook No. 406, Employment Service Record Layout.

Total Annual Respondents: 54.

Annual Frequency: Quarterly.

Total Annual Responses: 1,944.

Average Time per Response: 237 hours.

Estimated Total Annual Burden Hours: 461,050.

Total Annual Burden Cost for Respondents: $0.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–14300 Filed 6–10–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0005]

The Cadmium in General Industry Standard; Extension of the Office of Management and Budget Approval of Collection of Information (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the collection of information requirements contained in the Cadmium in General Industry Standard (29 CFR 1910.1027).

DATES: Comments must be submitted (postmarked, sent, or received) by August 10, 2015.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2012–0005, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2012–0005) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing collection of information requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The collection of information requirements specified in the Cadmium in General Industry Standard protect workers from the adverse health effects that may result from their exposure to cadmium. The major collection of information requirements of the Standard include: Conducting worker exposure monitoring, notifying workers of their cadmium exposures,

implementing a written compliance program, implementing medical surveillance of workers, providing examining physicians with specific information, ensuring that workers receive a copy of their medical surveillance results, maintaining workers' exposure monitoring and medical surveillance records for specific periods, and providing access to these records to the workers who are the subject of the records, the worker's representative, and other designated parties.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed collection of information requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the collection of information requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting an adjustment decrease of 8,309 burden hours (from 84,307 to 75,998 burden hours). The reduction is primarily the result of the determination that training delivery does not constitute a collection of information under PRA–95. The Agency estimates an increase in the number of exposed workers based upon updated data. As a result, the operation and maintenance costs have increased from $4,799,475 to $5,407,985, a total increase of $608,510 due to increased cost estimates for exposure monitoring sampling and medical exams.

Type of Review: Extension of a currently approved collection.

Title: Cadmium in General Industry (29 CFR 1910.1027).

OMB Control Number: 1218–0185.

Affected Public: Businesses or other for-profits.

Number of Respondents: 49,734.

Frequency of Response: On occasion; Quarterly; Biennially; Semi-annually; Annually.

Total Responses: 236,630.

Average Time per Response: Varies from 5 minutes (.08 hour) to maintain records to 1.5 hours to complete a medical examination.

Estimated Total Burden Hours: 75,998.

Estimated Cost (Operation and Maintenance): $5,407,985.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (Docket No. OSHA–2012–0005). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as their social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on June 8, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–14293 Filed 6–10–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0747]

Blasting and the Use of Explosives; Extension of the Office of Management and Budget Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Blasting and the Use of Explosives (29 CFR part 1926, subpart U).

DATES: Comments must be submitted (postmarked, sent, or received) by August 10, 2015.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0747, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA

docket number (OSHA–2011–0747) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Standard on Blasting and the Use of Explosives (29 CFR part 1926, subpart U) specifies a number of paperwork requirements. The following is a brief description of the collection of information requirements contained in the Subpart.

General Provisions (§ 1926.900)

§ 1926.900(d)—Paragraph (d) states that employers must ensure that explosives not in use are kept in a locked magazine, unavailable to persons not authorized to handle explosives. The employer must maintain an inventory and use record for all explosives—in use and not in use. In addition, the employer must notify the appropriate authorities in the event of any loss, theft, or unauthorized entry into a magazine.

§ 1926.900(k)(3)(i)—Paragraph (k)(3)(i) requires employers to display adequate signs warning against the use of mobile radio transmitters on all roads within 1,000 feet of blasting operations to prevent the accidental discharge of electric blasting caps caused by current induced by radar, radio transmitters, lightening, adjacent power lines, dust storms, or other sources of extraneous electricity. The employer must certify and maintain a record of alternative provisions made to adequately prevent any premature firing of electric blasting caps.

§ 1926.900(o)—Employers must notify the operators and/or owners of overhead power lines, communication lines, utility lines, or other services and structures when blasting operations will take place in proximity to those lines, services, or structures.

§ 1926.903(d)—The employer must notify the hoist operator prior to transporting explosives or blasting agents in a shaft conveyance.

§ 1926.903(e)—Employers must perform weekly inspections on the electrical system of trucks used for underground transportation of explosives. The weekly inspection is to detect any failure in the system which would constitute an electrical hazard. The most recent certification of inspection must be maintained and must include the date of inspection, a serial number or other identifier of the truck inspected, and the signature of the person who performed the inspection.

§ 1926.905(t)—Under § 1926.905(t), the blaster must maintain an accurate and up-to-date record of explosives, blasting agents, and blasting supplies used in a blast. In addition, the employer must also maintain an accurate running inventory of all explosives and blasting agents stored for the operation.

§ 1926.909(a)—Employers must post a code of blasting signals at one or more conspicuous places at the operation site. Additionally, all employees shall familiarize themselves with the code and conform to it at all times. Danger signs warning of blasting agents shall also be placed at suitable locations.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The Agency is requesting an overall adjustment increase of 372 burden hours (from 1,294 hours to 1,666 hours). As a result of the growth in the construction industry, OSHA increased the number of sites, from 160 to 201, that would develop and certify an alternative plan when signs are infeasible to prevent premature detonation. In addition, OSHA took into account the burden for all employers to maintain their alternative plan at the 201 sites having such plans. These increases offset the minor reduction in burden hours resulting from excluding burden hours for employers to provide the alternative plans to OSHA during a compliance inspection. Such inspection activities are not covered by the PRA (see 5 CFR 1320.4). In addition, the Agency also increased the number of instances where trucks transport explosives underground, from one to four jobs.

Type of Review: Extension of a currently approved collection.

Title: Blasting and the Use of Explosives (29 CFR part 1926, subpart U).

OMB Control Number: 1218–0217.

Affected Public: Businesses or other for-profits.

Total Number of Respondents: 201.

Frequency of Responses: On occasion.

Total Number of Responses: 818.

Average Time per Response: Time varies from 5 minutes (.08 hour) to notify a hoist operator of blasting agents to 8 hours to develop an alternative plan if an employer is unable to display adequate signs warning against the use of mobile radio transmitters during blasting operations.

Estimated Total Burden Hours: 1,666.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for (Docket No. OSHA–2011–0747) the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3911, January 25, 2012).

Signed at Washington, DC, on June 8, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–14294 Filed 6–10–15; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL TRANSPORTATION SAFETY BOARD

Investigative Hearing

On Tuesday, June 23, 2015, the National Transportation Safety Board (NTSB) will convene a two-day investigative hearing to gather additional factual information for the ongoing investigation of the Washington Metropolitan Area Transit Authority Metrorail (WMATA) train 302 that encountered heavy smoke in the tunnel between the L'Enfant Plaza Station and the Potomac River Bridge on January 12, 2015. The NTSB Chairman Christopher Hart will preside over the investigative hearing. The Board of Inquiry consists of Chairman Hart, Vice Chairman Dinh-Zarr and Members Sumwalt and Weener.

On January 12, 2015, about 3:15 p.m. eastern standard time, Washington Metropolitan Area Transit Authority (WMATA) Metrorail train 302 stopped after encountering an accumulation of heavy smoke while traveling southbound in a tunnel between the L'Enfant Plaza Station and the Potomac River Bridge. After stopping, the rear car of the train was about 386 feet from the south end of the L'Enfant Plaza Station platform.

A following train, stopped at the L'Enfant Plaza Station at about 3:23 p.m., and was also affected by the heavy smoke. This train stopped about 100 feet short of the south end of the platform. Passengers of both trains, as well as passengers on the station platforms, were exposed to the heavy smoke.

Both Metrorail trains involved in this incident consisted of six passenger cars and were about 450 feet in length. As a result of the smoke, 86 passengers were transported to local medical facilities for treatment; another nine people sought medical attention. There was one passenger fatality.

The investigative hearing will discuss the following issue areas:

- State of WMATA's Infrastructure;
- Emergency Response Efforts;
- WMATA's Organizational Culture; and
- Federal Transit Administration and Tri-State Oversight Committees Efforts for Public Transportation safety.

Parties to the hearing will include the Federal Transit Administration, WMATA, Tri-State Oversight Committee, Amalgamated Transit Union, International Association of Fire Fighters, and District of Columbia (DC) Emergency Services, which includes three DC departments.

At the start of the hearing, the public docket will be opened. Included in the docket are photographs, interview transcripts, and other documents.

Order of Proceedings

1. Opening Statement by the Chairman of the Board of Inquiry
2. Introduction of the Board of Inquiry and Technical Panel
3. Introduction of the Parties to the Hearing
4. Introduction of Exhibits by Hearing Officer
5. Overview of the incident and the investigation by Investigator-In-Charge
6. Calling of Witnesses by Hearing Officer and Examination of Witness by Board of Inquiry, Technical Panel, and Parties
7. Closing Statement by the Chairman of the Board of Inquiry

The hearing docket is DCA15FR004.

The Investigative Hearing will be held in the NTSB Board Room and Conference Center, located at 429 L'Enfant Plaza E, SW., Washington, DC, on Tuesday, June 23, 2015 and Wednesday, June 24, 2015, beginning at 9:00 a.m. The public can view the hearing in person or by live webcast at *www.ntsb.gov.* Webcast archives are generally available by the end of the next day following the hearing, and webcasts are archived for a period of 3 months from after the date of the event.

Individuals requiring reasonable accommodation and/or wheelchair access directions should contact Ms. Rochelle Hall at (202) 314–6305 or by email at *Rochelle.Hall@ntsb.gov* by Friday, June 19, 2015.

NTSB Media Contact: Mr. Peter Knudson—*Peter.Knudson@ntsb.gov*

NTSB Investigative Hearing Officer: Dr. Kristin Poland—*Kristin.Poland@ntsb.gov.*

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2015–14259 Filed 6–10–15; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272, 50–311, and 50–354; NRC–2015–0148]

PSEG Nuclear, LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2 Hope Creek Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–70 and DPR–75, issued on June 30, 2011, and Renewed Facility Operating License No. NPF–75, issued on July 20, 2011, and held by PSEG Nuclear LLC (PSEG or the licensee) for operation of Salem Nuclear Generating Station Unit Nos. 1 and 2 (Salem) and Hope Creek Generating Station (Hope Creek) located in Lower Alloways Creek Township, Salem County, New Jersey. The proposed amendments would revise the PSEG Environmental Protection Plans (Non-Radiological) (EPPs), contained in Appendix B to the Salem and Hope Creek renewed facility operating licenses. The NRC concluded that the proposed actions will have no significant environmental impact.

DATES: The environmental assessment and finding of no significant impact referenced in this document is available on June 11, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0148 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0148. 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 NRC 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 notice (if that document is available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are also 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: Carleen Parker, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1603; email: *Carleen.Parker@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–70, DPR–75, and NPF–57 issued to PSEG for operation of Salem and Hope Creek, located in Lower Alloways Creek Township, Salem County, New Jersey. Therefore, as required by Section 51.21 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC performed an environmental assessment (EA) to document its findings related to the proposed license amendments. The PSEG submitted its license amendment request by letter dated December 9, 2014 (ADAMS Accession No. ML14343A926), and subsequently supplemented its application by letter dated April 9, 2015 (ADAMS Accession No. ML15099A766). A notice of consideration of issuance, proposed no significant hazards consideration determination, and opportunity for a hearing for the proposed license amendments was issued in the **Federal Register** on April 14, 2015 (80 FR 20024). Based on information provided in PSEG's application and associated supplement and the NRC staff's independent review, the NRC did not identify any significant environmental impacts associated with the proposed license amendments.

Based on the results of the EA documented herein, the NRC has determined not to prepare an environmental impact statement for the proposed license amendments and is issuing a finding of no significant impact (FONSI), in accordance with 10 CFR 51.32.

II. Environmental Assessment

Plant Site and Environs

Salem is a two-unit station with pressurized water reactors that use a once-through cooling system that withdraws water from and discharges heated water to the Delaware Estuary. Hope Creek is a one-unit station with a boiling-water reactor that uses a closed-cycle cooling water system that includes a natural draft cooling tower and intake and discharge structures on the Delaware Estuary. Both facilities also withdraw water from the estuary for their service water systems.

Salem and Hope Creek lie at the southern end of Artificial Island along the east bank of the Delaware River in Lower Alloways Creek Township, Salem County, New Jersey. Artificial Island is a 1,500-acre (ac; 600-hectare [ha]) man-made island consisting of industrial lands, tidal marsh, and grassland. The U.S. Army Corps of Engineers created the island by depositing hydraulic dredge spoil material atop a natural sand bar. The average elevation of the island is about 9 feet (ft; 3 meters [m]) above mean sea level (MSL), and the maximum elevation is approximately 18 ft (5.5 m) above MSL. The PSEG owns approximately 740 ac (300 ha) at the southern end of the Artificial Island, of which Salem occupies 220 ac (89 ha) and Hope Creek occupies 153 ac (62 ha). The remainder of Artificial Island is owned by the U.S. Government and the State of New Jersey; this portion of the island remains undeveloped. The northernmost tip of Artificial Island (owned by the U.S. Government) is within the State of Delaware boundary. Artificial Island lies approximately 8 miles (mi; 13 kilometers [km]) southwest of the City of Salem, New Jersey, 17 mi (27 km) south of the Delaware Memorial Bridge, 35 mi (56 km) southwest of Philadelphia, Pennsylvania.

The U.S. Atomic Energy Commission (AEC), the NRC's predecessor agency, and the NRC have previously conducted environmental reviews of Salem and Hope Creek in several documents, and the descriptions therein continue to accurately depict the Salem and Hope Creek site and environs. Those documents include the AEC's April

1973 Final Environmental Statement (FES) Related to Operation of Salem Nuclear Generating Station, Units 1 and 2 (ADAMS Accession No. ML110400162); the NRC's March 2011 Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Hope Creek Generating Station and Salem Nuclear Generating Station, Units 1 and 2—Final Report (NUREG–1437, Supplement 45) (ADAMS Accession No. ML11089A021); and the NRC's December 2010 Biological Assessment for Salem and Hope Creek License Renewal (ADAMS Accession No. ML103350271).

Description of the Proposed Action

The proposed action would amend the Salem and Hope Creek EPPs to clarify that PSEG must adhere to the currently applicable biological opinion issued by the National Marine Fisheries Service (NMFS). The proposed changes would also simplify the Aquatic Monitoring section of the EPPs to preclude the need for a new license amendment request in the event NMFS issues a new biological opinion in the future, modify reporting requirements related to New Jersey Pollutant Discharge Elimination System (NJPDES) permits to remove the requirement to submit copies of proposed changes or renewals to the NRC since the NRC does not issue or oversee these permits, modify the criteria for reporting Unusual or Important Environmental Events to eliminate the need for duplicative reporting, and remove the requirement for PSEG to submit an Annual Environmental Operating Report. The information contained in the Annual Environmental Operating Report would continue to be submitted to the NRC in accordance with other sections of the EPP or would be available for NRC inspection. The proposed action is in accordance with the licensee's application dated December 9, 2014, as supplemented by letter dated April 9, 2015.

More specifically, by amending the Aquatic Monitoring sections of the EPPs to clarify that PSEG must adhere to the currently applicable biological opinion, the proposed action would require PSEG's compliance with the National Marine Fisheries Service's (NMFS) July 17, 2014, biological opinion (ADAMS Accession No. ML14202A146). PSEG does not anticipate any changes to station operation as a result of implementing the Reasonable and Prudent Measures and Terms and Conditions included in the biological opinion's Incidental Take Statement. However, PSEG may alter station procedures that contain protocol on inspection of the cooling water intake structures, maintenance of lighting at the Salem intake structure and trash racks, and availability of sea turtle rescue equipment at the Salem intake structure and trash racks.

The proposed EPP revisions would not result in or require any physical changes to Salem or Hope Creek systems, structures, or components, including those intended for the prevention of accidents.

Need for the Proposed Action

The proposed action is administrative in nature. It is needed to reflect the new biological opinion issued by NMFS on July 17, 2014. The proposed action would also remove outdated program information and relieve PSEG of the burden of submitting unnecessary or duplicative information to the NRC.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed changes are administrative in nature and have no effect on plant equipment or plant operation. No changes will be made to the design bases for either Salem or Hope Creek. The proposed action would not have a significant adverse effect on the probability or consequences of an accident occurring.

With regard to potential radiological impacts, the proposed action would not increase the probability or consequences of accidents, would not change the types of effluent that may be released offsite, would not increase the amount of any effluents that may be release offsite, and would result in no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts on land, air, or water resources, including impacts to biota. In addition there are no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed license amendments (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental conditions or impacts. Accordingly, the environmental impacts of the proposed action and no-action alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in NUREG–1437, Supplement 45 prepared for license renewal of Salem and Hope Creek.

Agencies and Persons Consulted

The staff did not enter into a consultation with any other Federal Agency or with the State of New Jersey regarding the environmental impact of the proposed action. On May 12, 2015, the New Jersey State official was notified. The State official had no comments.

III. Finding of No Significant Impact

The NRC is considering issuing amendments for Renewed Facility Operating License Nos. DPR–70, DPR–75, and NPF–75, issued to PSEG for operation of Salem and Hope Creek. The proposed amendments would revise the Salem and Hope Creek EPPs to clarify that PSEG must adhere to the currently applicable biological opinion. The proposed changes would also simplify the Aquatic Monitoring section of the EPPs, modify reporting requirements related to NJPDES permits, modify the criteria for reporting Unusual or Important Environmental Events, and remove the requirement for PSEG to submit an Annual Environmental Operating Report. The NRC's evaluation considered information provided in the licensee's application and its associated supplement, as well as the NRC's staff independent review of other environmental documents. Section IV below lists the environmental documents related to the proposed action and includes information on the availability of these documents.

The NRC decided not to prepare an Environmental Impact Statement for the proposed action. On the basis of the EA presented in Section II above and incorporated by reference in this finding, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined that a finding of no significant impact is appropriate.

IV. Availability of Documents

The following table identifies the environmental and other documents

cited in this document and related to the NRC's FONSI. These documents are available for public inspection online through ADAMS at *http://www.nrc.gov/reading-rm/adams.html* or in person at the NRC's PDR as described previously.

Document	ADAMS accession No.
Documents Related to License Amendment Request	
PSEG Nuclear LLC. License Amendment Request to Update Appendix B to the Renewed Facility Operating Licenses. Dated December 9, 2014.	ML14343A926
U.S. Nuclear Regulatory Commission. Request for Additional Information Re: Request to Update Appendix B to the Renewed Facility Operating Licenses. Dated March 10, 2015.	ML15055A377
PSEG Nuclear LLC. Response to Request for Additional Information Re: Request to Update Appendix B to the Renewed Facility Operating Licenses. Dated April 9, 2015.	ML15099A766
Other Referenced Documents	
National Marine Fisheries Service. Biological Opinion for Continued Operation of Salem and Hope Creek Nuclear Generating Stations (NER–2010–6581). Dated July 17, 2014.	ML14202A146
U.S. Atomic Energy Commission. Final Environmental Statement Related to the Operation of Salem Nuclear Generating Station, Units 1 and 2. Dated April 30, 1973.	ML110400162
U.S. Nuclear Regulatory Commission. Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Hope Creek Generating Station and Salem Nuclear Generating Station, Units 1 and 2—Final Report (NUREG–1437, Supplement 45). Dated March 31, 2011.	ML11089A021
U.S. Nuclear Regulatory Commission. Biological Assessment for Salem and Hope Creek License Renewal. Dated December 13, 2010.	ML103350271

Dated at Rockville, Maryland, this 4th day of June 2015.

For the Nuclear Regulatory Commission.

Douglas A. Broaddus,

Chief, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–14292 Filed 6–10–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–09; NRC–2015–0150]

Independent Spent Fuel Storage Installation, Department of Energy; Fort St. Vrain

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a March 19, 2015 request, as supplemented April 3, and June 1, 2015, from the Department of Energy (DOE or the licensee). The exemption seeks to delay the performance of an O-ring leakage rate test specified in Technical Specification (TS) 3.3.1 of Appendix A of Special Nuclear Material License No. SNM–2504, and to delay the performance of an aging management surveillance described in the Fort St. Vrain (FSV) Final Safety Analysis Report (FSAR) to check six Fuel Storage Containers (FSCs) for hydrogen buildup, both until June, 2016.

DATES: Notice of issuance of exemption given on June 11, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0150 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0150. 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.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document. Some documents referenced are located in the NRC's ADAMS Legacy Library. To obtain these documents, contact the NRC's PDR for assistance.
- *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: Chris Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6877; email: *William.Allen@nrc.gov.*

I. Background

DOE is the holder of Special Nuclear Material License No. SNM–2504 which authorizes receipt, possession, storage, transfer, and use of irradiated fuel elements from the decommissioned FSV Nuclear Generating Station in Platteville, Colorado, under part 72 of title 10 of the *Code of Federal Regulations* (10 CFR).

II. Request/Action

According to TS 3.1.1 in Appendix A of License No. SNM–2504, the FSC seal leakage rate shall not exceed 1×10^3 reference cubic centimeters per second (ref-cm^3/s). Surveillance Requirement (SR) 3.3.1.1 calls for one FSC from each vault to be leakage rate tested every five years. The last leakage rate test was performed in June, 2010; the next leakage rate test is scheduled to be completed by June, 2015. In addition, as part of the aging management program implemented when the license was renewed in 2011, Chapter 9 of the FSV FSAR provides the licensee will check six FSCs for hydrogen buildup by June, 2015. This provision regards the potential for hydrogen generation. The date of sampling was chosen to be consistent with the FSC seal leakage rate testing schedule. No FSCs have been sampled for hydrogen since being

placed into storage. DOE requests an exemption to delay performance of both the FSC O-ring leakage rate test requirement and the FSAR aging management activity described above by one year.

III. Discussion

Under 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 72 when the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. In addition to the requirement from which DOE requested exemption, the NRC staff determined that an exemption from 10 CFR 72.44(c)(1) would also be necessary to implement DOE's exemption proposal. Section 72.44(c)(1) requires, in part, compliance with functional and operational limits to protect the integrity of waste containers and to guard against the uncontrolled release of radioactive material.

Authorized by Law

This exemption would delay performance of an FSC O-ring leakage rate test required by TS 3.3.1 of Appendix A of Special Nuclear Material License No. SNM–2504, and an FSAR aging management surveillance to check six FSCs for hydrogen buildup by June, 2015 by one year. Condition 9 of SNM–2504 states, in part, that authorized use of the material at the FSV ISFSI shall be ''in accordance with statements, representations, and the conditions of the Technical Specifications and Safety Analysis Report.'' Condition 11 of SNM–2504 also directs the licensee to operate the facility in accordance with the Technical Specifications in Appendix A.

The provisions in 10 CFR part 72 from which DOE requests an exemption, as well as the provisions considered by the NRC staff, require the licensee to follow the technical specifications and the functional and operational limits for the facility. Section 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 72. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and not otherwise inconsistent with NRC regulations or other applicable laws. Therefore, the exemption is authorized by law.

Will Not Endanger Life or Property or the Common Defense and Security

As discussed below, the NRC staff has evaluated the proposed exemption request, and found that it would not endanger life or property, or the common defense and security.

Potential Corrosion

The FSV ISFSI Aging Management Program described in Section 9.8 of the FSV ISFSI FSAR provides for sampling one FSC in each vault for hydrogen no later than June, 2015. The intent of the test was to identify any potential corrosion on the interior of the FSCs. The applicant stated its position as to why hydrogen buildup has not occurred, and thus why there are no safety implications with delaying the test for one year, including:

1. The fuel was stored in dry helium prior to placement in the FSCs;
2. General corrosion, as opposed to galvanic corrosion, was determined by the licensee to be the only corrosion mechanism of concern for the canister; and
3. The expected corrosion reactions would not generate significant quantities of hydrogen since the pH of any water inside the FSCs was expected to be neutral (*i.e.,* not acidic).

In addition to reviewing information in the exemption request, the NRC staff also reviewed information associated with the 2011 license renewal applicable to this request. From its review of the license renewal documents, the NRC staff identified the following information pertinent to its review of DOE's exemption request: Corrosion originating on the FSC interior surfaces was evaluated in Engineering Design File 9166 (EDF–9166) (ADAMS Accession No. ML15132A638). The EDF 9166 assumed that 775.6 grams of water was present in each FSC. The analysis assumed uniform corrosion of all interior FSC surfaces resulting in a loss of material of 0.0014 inches. Crevice and galvanic corrosion were also assumed for the FSC bottom plate resulting in a loss of thickness of 0.0576 inches. In both cases, the licensee's analyses determined that the remaining material thicknesses for all interior FSC surfaces were greater than the required minimum thickness for the FSCs to maintain confinement of the radioactive material.

As referenced in the application, a surface coating had been applied to the interior FSC surfaces, but the NRC staff also found that the licensee's statement that general corrosion, and not galvanic corrosion, was the only corrosion mechanism of concern for the FSCs is not consistent with information in the FSV FSAR. For instance, Chapter 4, section 4.2.3.2.3 of the FSV ISFSI FSAR considered the potential for galvanic corrosion with the carbon steel FSC acting as the anode and the graphite fuel acting as the cathode. In addition, the NRC staff determined that EDF–9166 may not have fully considered all possible reactions. For instance, EDF–9166 only considered galvanic corrosion between the fuel blocks and the bottom of the FSC, and it assumed material loss from corrosion was distributed over the entire internal surface area of the FSC. The NRC staff notes that small portions of carbon steel, resulting either from coating defects during the surface coating application or from nicks and scratches during fabrication or loading, could act as localized sites of galvanic corrosion when exposed to water in the FSC. Therefore, the NRC staff finds that the applicant may have incorrectly assumed that corrosion is uniformly distributed to all FSC interior surfaces instead of being localized where protective coating is not present. Nevertheless, the NRC staff finds that through wall corrosion remains unlikely even if localized corrosion occurs at areas of coating defects or damage because the amount of water present is limited, because water is a low conductivity electrolyte, and the voluminous iron hydroxide formed by the corrosion reactions would stifle the corrosion process prior to significant localized loss of thickness of the FSC.

The corrosion processes discussed above would generate hydrogen as a result of reduction reactions on the graphite surfaces. For these reduction reactions to occur, a liquid medium must be present in the FSCs. Information contained in the application indicated that, if the temperature of the graphite fuel blocks exceeded 200 °F [93 °C] due to off-normal or accident conditions, any water in the graphite fuel blocks could be forced out of the fuel blocks resulting in as much as 77.6 grams of water being inside an FSC. The EDF–9166, which stated that it increased this amount of water by a factor 10, contains a corrosion analysis that identified oxygen reduction as the most likely reduction reaction in the system. This reduction reaction does not generate hydrogen. Although the possible generation of hydrogen as a result of other reactions is described in EDF–9166, the applicant did not evaluate the amount of hydrogen that may be produced.

In addition to reviewing information submitted by DOE in the exemption request, the NRC staff identified several possible reactions to assess the potential for hydrogen generation from corrosion reactions. These include the corrosion of iron, the formation of iron corrosion products, the oxidation of iron corrosion products, and the reduction reactions

for oxygen, water and hydrogen ions. These reactions are listed below.

Corrosion of iron (Eq. 1)

$$Fe \rightarrow Fe^{2+} + 2e^{-}$$

Reduction of oxygen (Eq. 2)

$$O_2 + 2H_2O + 4e^{-} \rightarrow 4OH^{-}$$

Formation of Iron corrosion products (Eq. 3)

$$Fe^{2+} + 2\,OH^{-} \rightarrow Fe(OH)_2$$

Oxidation of iron corrosion products (Eq. 4)

$$4Fe(OH)_2 + O_2 + 2H_2O \rightarrow 4Fe(OH)_3$$

Reduction of water to form hydrogen gas (Eq. 5)

$$2H_2O + 2e^{-} \rightarrow 2OH^{-} + H_2(g)$$

Reduction of hydrogen ions to form hydrogen gas (Eq. 6)

$$2H^{+} + 2e^{-} \rightarrow H_2(g)$$

The reduction of hydrogen ions (Eq. 6) occurs primarily in acidic solutions. The reduction of oxygen (Eq. 2) is the likely reduction reaction in a system with air. Since the environment inside the FSCs is air, the reduction of oxygen (Eq. 2) is applicable. If the oxygen in the air is completely consumed, then the corrosion reaction can proceed until water is consumed via the water reduction reaction (Eq. 5).

Using the equations above, the NRC staff performed the following analysis assuming the complete consumption of oxygen and water in corrosion product formation and reduction reactions. It is uncertain if the complete consumption of the reactants is a reasonable assumption due to the use of the surface coating. Therefore, it is unknown how much of the carbon steel is available for corrosion product formation and the reduction reactions. Thus, assuming complete consumption of oxygen and water provides a conservative estimate of the amount of hydrogen that may be formed.

The free volume inside an FSC is estimated to be 230 liters. At 200 °F [93 °C], the temperature at which water, if present, could be released from the graphite, a mole of air, the gas inside an FSC, occupies 30 liters. Since air contains 21 percent oxygen by volume, the free volume of the FSC may be expected to contain 1.61 moles of O_2 and 6.05 moles of N_2. There are 4.3 moles of water in 77.6 grams of water. The reduction of oxygen (Eq. 2) requires 2 moles of water for each mole of oxygen. Reduction of 1.61 moles of O_2 requires 3.22 moles of H_2O leaving 1.08 moles of water unreacted. If the remaining 1.08 moles of water is reduced (Eq. 5), then 0.54 moles of hydrogen would be produced. The volume occupied by 0.54 moles of H_2 at 200 °F [93 °C] is 16.2 liters. This results in a volume fraction of 16.2/230 = 0.07 or 7 percent H_2.

Although the analysis above does not consider either the formation of water as a result of decomposition of the surface coating on the interior surfaces of the FSC or hydrogen formation from the small amount of grease used on the metallic O-rings, it shows that, if all of the water present is released from the graphite and subsequently consumed in corrosion reactions, there is a possibility of generating a significant amount of hydrogen. It also shows that, if the amount of water assumed by DOE in EDF–9166 were present in the FSCs, the amount of hydrogen would be even greater.

However, the NRC staff notes the following facts relative to the possibility of either an explosive or combustible mixture of gases inside an FSC at the FSV ISFSI. Based upon the above reactions, oxygen, which is a necessary ingredient in explosive and combustible gas mixtures, would not be present within the FSC interior free volume because the reduction reactions would have completely consumed it. There are no credible sources of ignition during normal fuel storage operations for the following reasons. First, sparks caused by metal to metal interaction are not produced because the FSCs are stationary. Second, Chapter 3 of the FSV FSAR identified the maximum FSC gas temperature as approximately 165 °F (74 °C). The NRC staff notes that this gas temperature is far below the estimated minimum auto-ignition temperature of hydrogen gas in air of 752 °F (400 °C). Since the maximum temperature in Chapter 3 of the FSV FSAR was used in support of the license renewal, the NRC staff further notes that the maximum

temperature inside the FSC is now even lower considering the fuel has been in storage for 24 years. Finally, Chapter 4 of the FSV FSAR states the licensee will, prior to either handling of a loaded FSC or removal of the lid bolts, implement the following procedural controls:

1. Analyze the gas environment in the FSCs;

2. Determine if flammable levels of hydrogen are present; and

3. As necessary, either evacuate or purge the FSC with air to assure hydrogen concentrations are below flammable levels.

Therefore, NRC staff concludes that a fire or explosion due to the presence of hydrogen is very unlikely, and does not present a significant safety issue if the exemption request is granted. Consequently, delaying the analysis of the gases inside the FSC from 24 to 25 years would not result in an increase in the probability of either a hydrogen ignition event during storage or failure of the FSC integrity due to corrosion. The NRC staff also finds that, as long as operational controls that eliminate ignition sources and requirements for gas sampling prior to handling or removal of lid bolts are maintained and followed, hydrogen ignition events associated with handling FSCs will not occur.

Leakage Rate

Limiting Condition of Operation 3.3.1 in Appendix A of License No. SNM–2504 states that the FSCs seal leakage rate shall not exceed 1×10^{-3} ref-cm^3/s. SR 3.3.1.1 calls for one FSC from each vault to be leakage rate tested every 5 years. The basis for SR 3.3.1.1 is that performance of a leakage rate test of at least six FSC closures every 5 years provides reasonable assurance of continued integrity. The leakage rate test was originally performed in 1991 after loading and subsequent leakage rate tests were performed in 1996, 2001, 2005, and 2010. None of the prior leakage rate tests exceeded the requirement of 1×10^{-3} ref-cm^3/s.

DOE evaluated the potential impact of this exemption request in accordance with the confinement requirements described in the FSV FSAR. DOE classified the failure of the FSC redundant metal O-ring seals as a low probability event, and stated Chapter 8, section 8.2.15 of the FSV FSAR identified no credible failure mechanisms for the FSC O-rings. DOE also estimated average and maximum O-ring seal leakage rates would be 3.75×10^{-4} and 6.76×10^{-4} ref-cm^3/s, respectively and documented these calculations in EDF–10727 (ML15104A064). Both seal leakage rate values are below the allowed leakage rate of 1×10^{-3} ref-cm^3/s required by TS 3.3.1. DOE identified O-ring failure as a potential failure mode that would allow leakage in excess $1 \times 10{\cdot}3$ ref-c cm^3/s; however, DOE provided no specific details of potential O-ring failure mechanisms.

The NRC staff notes typical failure modes for O-ring seals include:

1. Corrosion of the O-ring;

2. Corrosion of the O-ring flange sealing surface (area in contact with the O-ring); and

3. Creep or relaxation of the O-ring.

The O-rings are described in DOE's exemption request, as supplemented on June 1, 2015 (ADAMS Accession No. ML15153A280), as silver plated alloy X–750 in the work hardened condition. The O-rings are installed with a grease/lubricant to facilitate sealing and prevent damage to the O-rings during lid installation and compression of the O-rings. The presence of the grease, the materials of construction, and the limited amount of water in the vicinity of the O-rings reduce the possibility of corrosion of the O-rings and the O-ring seal area on the FSC.

The NRC staff reviewed the test methods, the test pressures generated by previous leakage rate tests, and the correlations between the leakage rate and the pressure drop across the seals used in EDF–10727 to estimate the O-ring seal leakage rates. The NRC staff finds that DOE used appropriate data and mechanistic relationships between the rate and the test pressure to predict June, 2017 FSC O-ring seal leakage rates. The staff determined that both the average and maximum estimated 2017 leakage rates of 3.75×10^{-4} and 6.76×10^{-4} ref-cm^3/s are acceptable and are below the required limit of 1×10^{-3} ref-cm^3/s.

The NRC staff also reviewed both Chapter 8, section 8.2.15 of the FSV FSAR and DOE's analytical results of the consequences associated with a radiological release from an FSC, and confirmed that even if the leakage rate of 1×10^{-3} ref-cm^3/s is grossly exceeded:

1. The radiological consequences at the controlled area boundary would be within the requirements of 10 CFR 72.106;

2. The radiological release caused by a leakage rate greater than 1×10^{-3} ref-cm^3/s past the redundant seals would be bounded by the maximum credible accident in the FSV FSAR; and

3. The failure of the redundant metallic seals (loss of confinement) can be considered a low probability event during the entire storage period.

Based on the findings above, NRC staff concludes that granting DOE's exemption to delay performance of the FSC O-ring leakage rate test in accordance with TS 3.1.1 and performance of the aging management surveillance to sample six FSCs for hydrogen until June 2016, would not endanger public health and safety or the common defense and security.

Otherwise in the Public Interest

As described in the application, delaying the FSC O-ring leakage rate test and FSAR aging management surveillance for one year would allow DOE to more effectively prioritize important activities at the FSV site. It would also reduce the administrative burden both on the licensee and on the NRC staff in the performance of the test. Therefore, issuance of the proposed exemption is otherwise in the public interest.

Environmental Consideration

The NRC staff evaluated whether there would be any significant environmental impacts associated with the issuance of the requested exemption. The NRC staff determined that this proposed action fits a category of actions which do not require an environmental assessment or environmental impact statement. Specifically, the exemption meets the categorical exclusion in 10 CFR 51.22(c)(25).

Granting an exemption from the requirements of 10 CFR 72.44(c)(1), and 10 CFR 72.44(c)(3) involves inspection and surveillance requirements associated with both the FSC O-ring leakage rate test required per TS 3.3.1 and the FSAR aging management surveillance of FSCs for hydrogen. A categorical exclusion for inspection and surveillance requirements is provided under 10 CFR 51.22(c)(25)(vi)(C) if the criteria in 10 CFR 51.22(c)(25)(i) through (v) are also satisfied. In its review of the exemption request, the NRC staff determined that, under 10 CFR 51.22(c)(25): (i) Granting the exemption does not involve a significant hazards considerations, because granting the exemption neither reduces a margin of safety, creates a new or different kind of accident from any accident previously evaluated, nor significantly increases either the probability or consequences of an accident previously evaluated; (ii) granting the exemption would not produce a significant change in either the types or amounts of any effluents that may be released offsite, because the requested exemption neither changes the effluents nor produces additional

avenues of effluent release; (iii) granting the exemption would not result in a significant increase in either occupational radiation exposure or public radiation exposure, because the requested exemption neither introduces new radiological hazards nor increases existing radiological hazards; (iv) granting the exemption would not result in a significant construction impact, because there are no construction activities associated with the requested exemption; and; (v) granting the exemption would not increase either the potential or consequences from radiological accidents such as a gross leak from an FSC, or the potential for hydrogen buildup or consequences from radiological accidents, because the exemption neither reduces the ability of the FSC to confine radioactive material nor creates new accident precursors at the FSV ISFSI. Accordingly, this exemption meets the criteria for a categorical exclusion in 10 CFR 51.22(c)(25)(vi)(C).

IV. Conclusions

Accordingly, the NRC has determined that, under 10 CFR 72.7, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants DOE an exemption from 10 CFR 72.44(c)(1) and 10 CFR 72.44(c)(3) to delay by one year the scheduled June, 2015 leakage rate test under SR 3.3.1.1 for one FSC from each vault to be leakage rate tested every five years, and to delay by one year the scheduled June, 2015 hydrogen buildup test described in Chapter 9 of the FSV FSAR. These tests shall be completed no later than June, 2016. This exemption is effective as of June 4, 2015.

Dated at Rockville, Maryland, this 4th day of June, 2015.

For the Commission.

Mark Lombard,

Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–14291 Filed 6–10–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0149]

Fuel Cycle Oversight Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft technical document; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on a draft cornerstone technical document that will be used as a portion of a future revision to its Fuel Cycle Oversight Process.

DATES: Comments may be submitted by July 13, 2015. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

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–XXXX. 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: April Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6547; email: *April.Smith@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0149 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0149.
- *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. The draft cornerstone technical document is available in ADAMS under Accession No. ML15140A644.
- *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–2015–0149 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

In the Staff Requirements Memorandum for SECY–11–0140, ''Enhancements to the Fuel Cycle Oversight Process,'' dated January 5, 2012 (ADAMS Accession No. ML120050322), the Commission directed the NRC staff to develop a Revised Fuel Cycle Oversight Process (RFCOP). A portion of the RFCOP is the identification of cornerstones. The cornerstones are those aspects of licensee performance that are important to the mission and, therefore, merit regulatory oversight. The draft cornerstone technical document defines the cornerstones that will be used in the RFCOP and defines for each cornerstone, its objective and key

attributes that implement the objective. Each key attribute has one or more inspectable areas. Inspectable areas are those aspects of the physical facility or the licensee's programs or processes that need to be verified to assure that a key attribute of a cornerstone is achieved.

The NRC is soliciting public comment on its draft cornerstone technical document that will be used as a portion of the RFCOP. The NRC staff will consider any public comments prior to finalizing the cornerstone technical document for the RFCOP.

Dated at Rockville, Maryland, this 4th day of June 2015.

For the Nuclear Regulatory Commission.

Marissa Bailey,

Director, Division of Fuel Cycle Safety, Safeguards and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–14288 Filed 6–10–15; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2015–N116; 91100–3740–GRNT 7C]

Meeting Announcement: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet to select North American Wetlands Conservation Act (NAWCA) U.S. Standard grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This meeting is open to the public, and interested persons may present oral or written statements.

DATES: The meeting is scheduled for June 23, 2015, at 8:30 a.m. (PDT). If you are interested in presenting information at this public meeting, contact the acting Council Coordinator no later than June 19, 2015.

ADDRESSES: Meeting venue will be located at The Westerly Hotel and Convention Centre, 1590 Cliffe Avenue, Courtenay, BC, V9N 2K4, Canada. Participants can join the meeting via telephone by calling the toll-free number 1–877–413–4791; when prompted, enter participant passcode 6532444#.

FOR FURTHER INFORMATION CONTACT: Michael Johnson, Acting Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, VA 22041.

SUPPLEMENTARY INFORMATION:

About the Council

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation and final funding approval by the Commission.

About NAWCA

The North American Wetlands Conservation Act of 1989 provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *http://www.fws.gov/birds/grants.*

PUBLIC INPUT

If you wish to:	You must contact the Acting Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
(1) Listen to Council Meeting.	June 23, 2015.
(2) Submit written information or questions before the Council meeting for consideration during the meeting.	June 19, 2015.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. If you wish to submit a written statement, so that the information may be made available to the Council for their consideration prior to this meeting, you must contact the acting Council Coordinator by the date above. Written statements must be supplied to the acting Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the meeting will be limited to 2 minutes per speaker, with no more than a total of 10 minutes for all speakers. Interested parties should contact the acting Council Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary minutes of the Council meeting will be maintained by the acting Council Coordinator at the address listed under **FOR FURTHER INFORMATION CONTACT**. Meeting notes can be obtained by contacting the acting Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2015–14260 Filed 6–10–15; 8:45 am]

BILLING CODE 4310–55–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 5, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 125 to Competitive Product List.* Documents are available at

www.prc.gov, Docket Nos. MC2015–54, CP2015–82.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–14247 Filed 6–10–15; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75116; File No. SR–MIAX–2015–38]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC To Amend the Amended and Restated Certificate of Incorporation and the Amended and Restated By-Laws of the Sole Limited Liability Company Member of MIAX, Miami International Holdings, Inc.

June 5, 2015.

Pursuant to the provisions of 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 May 28, 2015, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the Amended and Restated Certificate of Incorporation and the Amended and Restated By-Laws of the sole limited liability company member of MIAX, Miami International Holdings, Inc.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain sections of: (i) The Amended and Restated Certificate of Incorporation (''MIH Certificate of Incorporation''), and (ii) the Amended and Restated By-Laws (''MIH By-Laws''), of the sole limited liability company member of the Exchange, Miami International Holdings, Inc. (''MIH'') to replace all references to MIAX contained therein with references to a new defined term ''Controlled National Securities Exchange.'' This proposed amendment is based upon use of the identical defined term in the corporate documents of another national securities exchange.[3] The term ''Controlled National Securities Exchange'' is proposed to be defined as any national securities exchange which MIH shall control, directly or indirectly.[4] As proposed, the defined term ''Controlled National Securities Exchange'' would be more comprehensive than simple references to MIAX in that it would equally apply to any other national securities exchange that MIH may control, directly or indirectly, in the future. As specifically noted in the proposed MIH Certificate of Incorporation and MIH By-Laws,[5] such defined term would continue to cover MIAX (the sole national securities exchange currently controlled, directly or indirectly, by MIH) for so long as MIAX is controlled, directly or indirectly, by MIH. The Exchange also proposes to amend the MIH Certificate of Incorporation to make other non-substantive revisions which (i) correspond to the aforementioned updated references to ''Controlled National Securities Exchange,'' and (ii) reflect other minor changes to charter provisions no longer applicable since the Commission granted the Exchange's registration as a national securities exchange on December 3, 2012.[6]

MIH Certificate of Incorporation

The Exchange proposes to amend the MIH Certificate of Incorporation to substitute references to MIAX with the defined term ''Controlled National Securities Exchange'' and define it in Article EIGHTH as follows:

For so long as this Corporation shall control, directly or indirectly, one or more national securities exchange (each a ''Controlled National Securities Exchange''), including but not limited to Miami International Securities Exchange, LLC, or a facility thereof

. . . .

Article EIGHTH would thereby make clear that MIAX is covered as a Controlled National Securities Exchange. The terminology ''Controlled National Securities Exchange,'' ''a Controlled National Securities Exchange,'' or ''each Controlled National Securities Exchange'' would be substituted in place of the terminology ''Miami International Securities Exchange, LLC'' or ''the Miami International Securities Exchange, LLC'' in Article EIGHTH (to require that any amendment to or any repeal of any provision of the MIH Certificate of Incorporation be submitted to the Board of Directors of each Controlled National Securities Exchange), Article NINTH and Article NINTH subsections (a)(ii), (b)(i), and (b)(ii)(B) (to impose limitations on the voting, transfer and ownership of shares of MIH's capital stock for so long as MIH shall control, directly or indirectly, any Controlled National Securities Exchange).

These changes would (i) enable the MIH Certificate of Incorporation to accommodate the potential future ownership of more than one national securities exchange by MIH, and (ii) ensure that any such future MIH Controlled National Securities Exchange would enjoy and would be subject to the same requirements, limitations and other self-regulatory organization

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Certificate of Incorporation of International Securities Exchange Holdings, Inc. (''ISE Holdings''), Article Fourth, Section III, Articles Tenth through Fourteenth; Second Amended and Restated By-Laws of ISE Holdings, Article I, Sections 1.4, 1.5 and 1.6, Article X, Section 10.1 and Article XI, Sections 11.1(b) and 11.2(b). *See also* Securities Exchange Act Release Nos. 59135 (December 22, 2008), 73 FR 79954 (December 30, 2008) (SR–ISE–2008–85).

[4] Such other national securities exchange has defined the term in substantially the same manner as proposed to be defined by MIAX. *See* Certificate of Incorporation of ISE Holdings, Article Fourth, Section III(a); Second Amended and Restated By-Laws of ISE Holdings, Article I, Section 1.4. *See also* Securities Exchange Act Release Nos. 59135 (December 22, 2008), 73 FR 79954 (December 30, 2008) (SR–ISE–2008–85).

[5] *See* Amended and Restated Certificate of Incorporation of MIH, Article Eighth; Amended and Restated By-Laws of MIH, Article VI, Section 2.

[6] *See* Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73089 (December 7, 2012) (File No. 10–207).

(''SRO'') standards as currently apply with respect to MIAX under MIH's charter documents. This amendment would not affect any of the requirements, limitations or other SRO standards which currently, and will continue to, apply with respect to MIAX under MIH's charter documents. No changes to the ownership or corporate structure of MIAX or MIH are proposed by this proposed rule change.

The Exchange also proposes to clarify the defined term ''Exchange Member'' in Article NINTH, Subsection (a)(ii)(D), so that it would apply to ''any Person that is a registered broker or dealer that has been admitted to membership in a Controlled National Securities Exchange'' rather than to ''any Person that is a registered broker or dealer that has been admitted to membership in the national securities exchange known as Miami International Securities, LLC'' as it is currently defined. This change would broaden the defined term ''Exchange Member'' to include any member of an applicable Controlled National Securities Exchange, so that it would not be limited to members of MIAX alone, and to correspond to the updated references to a Controlled National Securities Exchange replacing MIAX elsewhere in the MIH Certificate of Incorporation.

In addition to the changes set forth above, the Exchange proposes to make the following non-substantive changes to the MIH Certificate of Incorporation: (i) Define the Securities Exchange Act of 1934, as amended, as ''(the 'Act')'' in Article FOURTH, subsection D7(a), and (ii) clarify in Article EIGHTH and Article TENTH, Section (b) that the references to the MIH Certificate of Incorporation are references to the ''Amended and Restated'' Certificate of Incorporation of MIH. The Exchange also proposes to delete dated references to time periods and events that have expired. Specifically, the Exchange proposes to delete text in Articles EIGHTH and NINTH referring to commencement of certain obligations upon the registration of MIAX as a national securities exchange, since such registration was granted on December 3, 2012.[7] These clarifying changes would make the MIH Certificate of Incorporation more concise, clear and understandable for, and eliminate the potential for confusion to, an investor in MIH, a MIAX member or other reader of the MIH Certificate of Incorporation.

MIH By-Laws

The Exchange proposes to amend the MIH By-Laws to substitute references to MIAX with the defined term ''Controlled National Securities Exchange'' and define it in Article VI, Section 2 as ''any national securities exchange which this Corporation shall control, directly or indirectly (each, a 'Controlled National Securities Exchange'), including but not limited to Miami International Securities Exchange, LLC. . .''. Article VI, Section 2 would thereby make clear that MIAX is covered as a Controlled National Securities Exchange. The terminology ''Controlled National Securities Exchange,'' ''a Controlled National Securities Exchange,'' ''any Controlled National Securities Exchange,'' ''each Controlled National Securities Exchange,'' or ''such Controlled National Securities Exchange'' would replace the terminology ''Miami International Securities Exchange, LLC'' or ''the Miami International Securities Exchange, LLC'' in MIH By-Law Article VI, Section 2 (regarding meetings of LLC Members or Stockholders of any Controlled National Securities Exchange), Article VII, Sections 1 through 6 (regarding SRO Function of any Controlled National Securities Exchange), Article XI, Section 2 (regarding liability to exchange members for loss or damage arising out of their use or enjoyment of the facilities of any Controlled National Securities Exchange), and Article XII, Section 1 (requiring that any amendment to or repeal of any MIH By-Law provision be submitted to the Board of Directors of a Controlled National Securities Exchange).

These changes would (i) enable the MIH By-Laws to accommodate the potential future ownership of more than one national securities exchange by MIH, and (ii) ensure that any such future MIH Controlled National Securities Exchange would enjoy and would be subject to the same requirements, limitations and other SRO standards as currently apply with respect to MIAX under MIH's charter documents. This amendment would not affect any of the requirements, limitations or other SRO standards which currently, and will continue to, apply with respect to MIAX under MIH's charter documents. No changes to the ownership or corporate structure of MIAX or MIH are proposed by this proposed rule change.

The Exchange also proposes to add a reference to ''Stockholders'' in the caption of Article VI, Section 2, add a reference to ''meeting of stockholders'' in the text of Article VI, Section 2, and replace the defined term ''LLC Members'' with the more generic term ''Equityholders'' in Article VI, Section 2 so that such MIH By-Law would equally apply to any stockholders of a Controlled National Securities Exchange that is a corporate entity in the same manner as it currently applies to limited liability members of MIAX. This change would correspond to the updated references to a Controlled National Securities Exchange replacing references to MIAX elsewhere in the MIH By-Laws.

The Exchange believes that the foregoing changes are reasonably designed to ensure that any MIH Controlled National Securities Exchange will enjoy and be subject to the same requirements, limitations and other SRO standards that currently apply under MIH's charter documents with respect to MIAX, the only national securities exchange that is currently controlled, directly or indirectly, by MIH, including limitations upon ownership and voting of MIH capital stock and other requirements designed to preserve the independence of the self-regulatory function of, and Commission oversight over, any Controlled National Securities Exchange. These changes will allow for greater flexibility in the corporate structure of MIH by enabling the MIH Certificate of Incorporation and MIH By-Laws to accommodate the potential future ownership of more than one national securities exchange by MIH. The Exchange notes that no changes to the ownership or corporate structure of either MIAX or MIH have occurred or are being proposed by this proposed rule change.

2. Statutory Basis

MIAX believes that this proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Sections 6(b)(1) and 6(b)(5) of the Act[9] in particular, in that it enables the Exchange to be so organized as to have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members with, the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange; and that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in

[7] *See supra* note 6.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1) and (b)(5).

general, to protect investors and the public interest.

Specifically, this proposed rule change is consistent with and will facilitate an ownership structure by MIH that will continue to provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Act with respect to not only MIAX, but with respect to any other national securities exchange that may in the future be controlled, directly or indirectly, by MIH, and with respect to MIH as the parent entity of any such Controlled National Securities Exchange. It is further consistent with and will facilitate an ownership structure that will provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Act with respect to MIH's directors, officers, employees and agents to the extent they are involved in the activities of a Controlled National Securities Exchange.

This proposed rule change is also consistent with and will facilitate an ownership structure of any national securities exchange that may in the future be controlled, directly or indirectly, by MIH, by providing such Controlled National Securities Exchange with appropriate oversight tools to carry out the purposes of, and to comply with, the Act, and to enforce compliance by MIH as the parent holding entity, by the Controlled National Securities Exchange's members and persons associated with such members, and by MIH's directors, officers, employees and agents to the extent they are involved in the activities of such Controlled National Securities Exchange, with the Act, the rules and regulations thereunder, and the internal rules of such Controlled National Securities Exchange as applicable.

This proposed rule change is also consistent with and will help to ensure that the requirements, limitations and other SRO standards that currently apply with respect to MIAX pursuant to MIH's charter documents, would also equally apply with respect to any other national securities exchange that MIH may in the future control, directly or indirectly, thereby serving to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and protect investors and the public interest.

For example, the equal application of specifically enumerated requirements regarding the election of directors by MIH as the LLC Member of MIAX,[10] and on other corporate functions of MIH as the parent entity of MIAX, to MIH in its capacity as an Equityholder or parent entity of a Controlled National Securities Exchange, will preserve the independence of the self-regulatory function of, and provide for Commission oversight over, such Controlled National Securities Exchange. Such corporate functions of MIH include those functions concerning confidentiality, record-keeping and cooperation with the Commission to the extent related to the operations, administration, self-regulatory function or other activities of a Controlled National Securities Exchange.[11] MIH charter provisions regarding the foregoing are intended to facilitate the free exercise of the self-regulatory function of a Controlled National Securities Exchange and protect against inappropriate interference with such function.[12] Free exercise of the self-regulatory function of the Controlled National Securities Exchange and protection against inappropriate conflict or interference with such function will be further achieved by requiring that any amendment or repeal of MIH charter provisions be submitted to the Board of Directors of each Controlled National Securities Exchange and filed with and approved by the Commission if required,[13] and by imposing limitations on the voting, transfer and ownership of shares of MIH's capital stock for so long as MIH controls, directly or indirectly, any Controlled National Securities Exchange.[14]

The Exchange's proposed amendments also address other non-substantive revisions which reflect changes since the Commission granted the Exchange's registration as a national securities exchange on December 3, 2012 [15] in order to make the MIH Certificate of Incorporation more concise, clear and understandable for, and eliminate the potential for confusion to, an investor in MIH, a MIAX member or other reader of MIH's charter documents, thereby protecting investors and the public interest.

Finally, this proposed rule change is administrative in nature and does not propose any changes to MIH's or MIAX's current ownership or corporate structure or MIAX's operational or trading structure. The Exchange will continue to operate in the same manner following the proposed rule change as it operates today.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to the MIH Certificate of Incorporation and MIH By-Laws are administrative in nature and are designed to enable the Exchange to be organized so as to have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its Exchange Members and persons associated with its Exchange Members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. As such, this is not a competitive filing and thus does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) [17] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of

[10] *See* Amended and Restated By-Laws of MIH, Article VI, Section 2.

[11] *See* Amended and Restated By-Laws of MIH, Article VII.

[12] *See* Amended and Restated By-Laws of MIH, Article VII, Section 1.

[13] *See* Amended and Restated Certificate of Incorporation of MIH, Article Eighth.

[14] *See* Amended and Restated Certificate of Incorporation of MIH, Article Ninth and Article Ninth subsections (a)(ii), (b)(i), and (b)(ii)(B).

[15] *See supra* note 6.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 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.

the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2015–38 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2015–38. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2015–38, and should be submitted on or before July 2, 2015.

[18] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14243 Filed 6–10–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 154; OMB Control No. 3235–0495, SEC File No. 270–438.

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The federal securities laws generally prohibit an issuer, underwriter, or dealer from delivering a security for sale unless a prospectus meeting certain requirements accompanies or precedes the security. Rule 154 (17 CFR 230.154) under the Securities Act of 1933 (15 U.S.C. 77a) (the ''Securities Act'') permits, under certain circumstances, delivery of a single prospectus to investors who purchase securities from the same issuer and share the same address (''householding'') to satisfy the applicable prospectus delivery requirements.[1] The purpose of rule 154 is to reduce the amount of duplicative prospectuses delivered to investors sharing the same address.

Under rule 154, a prospectus is considered delivered to all investors at a shared address, for purposes of the federal securities laws, if the person relying on the rule delivers the prospectus to the shared address, addresses the prospectus to the investors as a group or to each of the investors individually, and the investors consent to the delivery of a single prospectus. The rule applies to prospectuses and prospectus supplements. Currently, the rule permits householding of all prospectuses by an issuer, underwriter, or dealer relying on the rule if, in addition to the other conditions set forth in the rule, the issuer, underwriter, or dealer has obtained from each investor written or implied consent to householding.[2] The rule requires issuers, underwriters, or dealers that wish to household prospectuses with implied consent to send a notice to each investor stating that the investors in the household will receive one prospectus in the future unless the investors provide contrary instructions. In addition, at least once a year, issuers, underwriters, or dealers, relying on rule 154 for the householding of prospectuses relating to open-end management investment companies that are registered under the Investment Company Act of 1940 (''mutual funds'') must explain to investors who have provided written or implied consent how they can revoke their consent.[3] Preparing and sending the notice and the annual explanation of the right to revoke are collections of information.

The rule allows issuers, underwriters, or dealers to household prospectuses if certain conditions are met. Among the conditions with which a person relying on the rule must comply are providing notice to each investor that only one prospectus will be sent to the household and, in the case of issuers that are mutual funds, providing to each investor who consents to householding an annual explanation of the right to revoke consent to the delivery of a single prospectus to multiple investors sharing an address. The purpose of the notice and annual explanation requirements of the rule is to ensure that investors who wish to receive individual copies of prospectuses are able to do so.

Although rule 154 is not limited to mutual funds, the Commission believes that it is used mainly by mutual funds and by broker-dealers that deliver mutual fund prospectuses. The Commission is unable to estimate the number of issuers other than mutual funds that rely on the rule.

The Commission estimates that, as of March 2015, there are approximately

[1] The Securities Act requires the delivery of prospectuses to investors who buy securities from an issuer or from underwriters or dealers who participate in a registered distribution of securities. *See* Securities Act sections 2(a)(10), 4(1), 4(3), 5(b) (15 U.S.C. 77b(a)(10), 77d(1), 77d(3), 77e(b)); *see also* rule 174 under the Securities Act (17 CFR 230.174) (regarding the prospectus delivery obligation of dealers); rule 15c2–8 under the Securities Exchange Act of 1934 (17 CFR 240.15c2–8) (prospectus delivery obligations of brokers and dealers).

[2] Rule 154 permits the householding of prospectuses that are delivered electronically to investors only if delivery is made to a shared electronic address and the investors give written consent to householding. Implied consent is not permitted in such a situation. *See* rule 154(b)(4).

[3] See Rule 154(c).

1,640 mutual funds, approximately 410 of which engage in direct marketing and therefore deliver their own prospectuses. Of the approximately 410 mutual funds that engage in direct marketing, the Commission estimates that approximately half of these mutual funds (205) (i) do not send the implied consent notice requirement because they obtain affirmative written consent to household prospectuses in the fund's account opening documentation; or (ii) do not take advantage of the householding provision because of electronic delivery options which lessen the economic and operational benefits of rule 154 when compared with the costs of compliance. Therefore, the Commission estimates that each direct-marketed fund will spend an average of 20 hours per year complying with the notice requirement of the rule, for a total of 4,100 hours. Of the 410 mutual funds that engage in direct marketing, the Commission estimates that approximately seventy-five percent (308) of these funds will each spend 1 hour complying with the annual explanation of the right to revoke requirement of the rule, for a total of 308 hours. The Commission estimates that there are approximately 200 broker-dealers that carry customer accounts and, therefore, may be required to deliver mutual fund prospectuses. The Commission estimates that each affected broker-dealer will spend, on average, approximately 20 hours complying with the notice requirement of the rule, for a total of 4,000 hours. Each broker-dealer will also spend 1 hour complying with the annual explanation of the right to revoke requirement, for a total of 200 hours. Therefore, the total number of respondents for rule 154 is 507 (307 mutual funds plus 200 broker-dealers), and the estimated total hour burden is approximately 8,608 hours (4,408 hours for mutual funds plus 4,200 hours for broker-dealers).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. Responses to the collections of information will not be kept confidential. The rule does not require these records be retained for any specific period of time. 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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 5, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14246 Filed 6–10–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75115; File No. SR–NYSEArca–2015–02]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Amend NYSE Arca Equities Rule 8.600 To Adopt Generic Listing Standards for Managed Fund Shares

June 5, 2015.

On February 17, 2015, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 NYSE Arca Equities Rule 8.600 to adopt generic listing standards for Managed Fund Shares. The proposed rule change was published for comment in the **Federal Register** on March 10, 2015.[3] The Commission received three comments on the proposal.[4] On April 17, 2015, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6]

Pursuant to Section 19(b)(1) of the Act [7] and Rule 19b–4 thereunder,[8] notice is hereby given that, on June 3, 2015, the Exchange filed with the Commission Amendment No. 1 to the proposed rule change, as described in Sections I and II below, which Sections have been prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1 thereto, from interested persons.

Additionally, this order institutes proceedings under Section 19(b)(2)(B) of the Act [10] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1 thereto, as discussed in Section III below. The institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as described in Section III, below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74433 (Mar. 4, 2015), 80 FR 12690 (''Notice'').

[4] *See* letter dated March 31, 2015 from Anonymous; letter dated March 31, 2015 from Dorothy Donohue, Deputy General Counsel, Securities Regulation, Investment Company Institute (''ICI''), to Brent J. Fields, Secretary, Commission; and letter dated March 31, 2015 from Thomas E. Faust Jr., Chairman and Chief Executive Officer, Eaton Vance Corp. (''Eaton Vance''), to Brent J. Fields, Secretary, Commission (all comments to the proposed rule change are available on the Commission's Web site at *http://www.sec.gov/comments/sr-nysearca-2015-02/nysearca201502.shtml*). ICI expressed strong support for the proposal, stating that it would add certainty and uniformity to the ETF listing process. Eaton Vance also expressed support for the proposal and offered suggestions to enhance the disclosure regime for Managed Fund Shares. The anonymous commenter said ''Great job!''

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 74755, 80 FR 22762 (Apr. 23, 2014). The Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, the Commission designated June 8, 2015 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] 15 U.S.C.78s(b)(1).

[8] 17 CFR 240.19b–4.

[9] Amendment No. 1 amends and replaces the filing, SR–NYSEArca–2015–02, and supersedes such filing in its entirety (Amendment No. 1 to the proposed rule change is also available on the Commission's Web site at *http://www.sec.gov/comments/sr-nysearca-2015-02/nysearca201502.shtml).*

[10] 15 U.S.C. 78s(b)(2)(B).

approve or disapprove the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 8.600 to adopt generic listing standards for Managed Fund Shares. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Arca Equities Rule 8.600 to adopt generic listing standards for Managed Fund Shares. Under the Exchange's current rules, a proposed rule change must be filed with the Commission for the listing and trading of each new series of Managed Fund Shares. The Exchange believes that it is appropriate to codify certain rules within Rule 8.600 that would generally eliminate the need for such proposed rule changes, which would create greater efficiency and promote uniform standards in the listing process.[11]

Background

Rule 8.600 sets forth certain rules related to the listing and trading of Managed Fund Shares.[12] Under Rule 8.600(c)(1), the term ''Managed Fund Share'' means a security that:

(a) Represents an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser (hereafter ''Adviser'') consistent with the Investment Company's investment objectives and policies;

(b) is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value; and

(c) when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined net asset value.

Effectively, Managed Fund Shares are securities issued by an actively-managed open-end Investment Company (*i.e.,* an actively-managed exchange-traded fund (''ETF'')). Because Managed Fund Shares are actively-managed, they do not seek to replicate the performance of a specified passive index of securities. Instead, they generally use an active investment strategy to seek to meet their investment objectives. In contrast, an open-end Investment Company that issues Investment Company Units (''Units''), listed and traded on the Exchange pursuant to NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that generally correspond to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

All Managed Fund Shares listed and/or traded pursuant to Rule 8.600 (including pursuant to unlisted trading privileges) are subject to the full panoply of Exchange rules and procedures that currently govern the trading of equity securities on the Exchange.[13]

In addition, Rule 8.600(d) currently provides for the criteria that Managed Fund Shares must satisfy for initial and continued listing on the Exchange, including, for example, that a minimum number of Managed Fund Shares are required to be outstanding at the time of commencement of trading on the Exchange. However, the current process for listing and trading new series of Managed Fund Shares on the Exchange requires that the Exchange submit a proposed rule change with the Commission. In this regard, Commentary .01 to Rule 8.600 specifies that the Exchange will file separate proposals under Section 19(b) of the Act (hereafter, a ''proposed rule change'') before listing and trading of shares of an issue of Managed Fund Shares.

Proposed Changes to Rule 8.600

The Exchange would amend Commentary .01 to Rule 8.600 to specify that the Exchange may approve Managed Fund Shares for listing and/or trading (including pursuant to unlisted trading privileges) pursuant to SEC Rule 19b–4(e) under the Act, which pertains to derivative securities products (''SEC Rule 19b–4(e)'').[14] SEC Rule 19b–4(e)(1) provides that the listing and trading of a new derivative securities product by a self-regulatory organization (''SRO'') is not deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4,[15] if the Commission has approved, pursuant to section 19(b) of the Act, the SRO's trading rules, procedures and listing standards for the product class that would include the new derivative securities product and the SRO has a surveillance program for the product class. This is the current method pursuant to which ''passive'' ETFs are listed under NYSE Arca Equities Rule 5.2(j)(3).

The Exchange would also specify within Commentary .01 to Rule 8.600 that components of Managed Fund Shares listed pursuant to SEC Rule 19b–4(e) must satisfy on an initial and continued basis certain specific criteria, which the Exchange would include within Commentary .01, as described in greater detail below. As proposed, the Exchange would continue to file separate proposed rule changes before the listing and trading of Managed Fund Shares with components that do not satisfy the additional criteria described below or components other than those specified below. For example, if the components of a Managed Fund Share exceeded one of the applicable thresholds, the Exchange would file a

[11] This Amendment No. 1 to SR–NYSEArca–2015–02 replaces SR–NYSEArca–2015–02 as originally filed and supersedes such filing in its entirety.

[12] *See* Securities Exchange Act Release No. 57619 (April 4, 2008), 73 FR 19544 (April 10, 2008) (SR–NYSEArca–2008–25) (order approving NYSE Arca Equities Rule 8.600 and listing and trading of shares of certain issues of Managed Fund Shares) (the ''Approval Order''). The Approval Order approved the rules permitting the listing and trading of Managed Fund Shares, trading hours and halts, listing fees applicable to Managed Fund Shares, and the listing and trading of several individual series of Managed Fund Shares.

[13] *See* Approval Order, *supra* note 12, at 19547.

[14] 17 CFR 240.19b–4(e). As provided under SEC Rule 19b–4(e), the term ''new derivative securities product'' means any type of option, warrant, hybrid securities product or any other security, other than a single equity option or a security futures product, whose value is based, in whole or in part, upon the performance of, or interest in, an underlying instrument.

[15] 17 CFR 240.19b–4(c)(1). As provided under SEC Rule 19b–4(c)(1), a stated policy, practice, or interpretation of the SRO shall be deemed to be a proposed rule change unless it is reasonably and fairly implied by an existing rule of the SRO.

separate proposed rule change before listing and trading such Managed Fund Share. Similarly, if the components of a Managed Fund Share included a security or asset that is not specified below, the Exchange would file a separate proposed rule change.

The Exchange would also add to the criteria of Rule 8.600(c) to provide that the Web site for each series of Managed Fund Shares shall disclose certain information regarding the Disclosed Portfolio, to the extent applicable. The required information includes the following, to the extent applicable: ticker symbol, CUSIP or other identifier, a description of the holding, identity of the asset upon which the derivative is based, the strike price for any options, the quantity of each security or other asset held as measured by select metrics, maturity date, coupon rate, effective date, market value and percentage weight of the holding in the portfolio.[16]

In addition, the Exchange would amend Rule 8.600(d) to specify that all Managed Fund Shares must have a stated investment objective, which must be adhered to under normal market conditions.[17]

Finally, the Exchange would also amend the continued listing requirement in Rule 8.600(d)(2)(A) by changing the requirement that a Portfolio Indicative Value for Managed Fund Shares be widely disseminated by one or more major market data vendors at least every 15 seconds during the time when the Managed Fund Shares trade on the Exchange to a requirement that a Portfolio Indicative Value be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session (as defined in NYSE Arca Equities Rule 7.34).

Proposed Managed Fund Share Portfolio Standards

The Exchange is proposing standards that would pertain to Managed Fund Shares to qualify for listing and trading pursuant to SEC Rule 19b–4(e). These standards would be grouped according to security or asset type. The Exchange notes that the standards proposed for a Managed Fund Share portfolio that holds domestic equity securities, Derivative Securities Products and Index-Linked Securities are based in large part on the existing equity security standards applicable to Units in Commentary .01 to Rule 5.2(j)(3). The standards proposed for a Managed Fund Share portfolio that holds fixed income securities are based in large part on the existing fixed income security standards applicable to Units in Commentary .02 to Rule 5.2(j)(3). Many of the standards proposed for other types of holdings in a Managed Fund Share portfolio are based on previous proposed rule changes for specific series of Managed Fund Shares.[18]

Proposed Commentary .01(a) would describe the standards for a Managed Fund Share portfolio that holds equity securities, which are defined to be U.S. Component Stocks,[19] Derivative Securities Products,[20] and Index-Linked Securities[21] listed on a national securities exchange as follows:

(1) Component stocks (excluding Derivative Securities Products and Index-Linked Securities) that in the aggregate account for at least 90% of the equity weight of the portfolio (excluding such Derivative Securities Products and Index-Linked Securities) each must have a minimum market value of at least $75 million; [22]

(2) Component stocks (excluding Derivative Securities Products and Index-Linked Securities) that in the aggregate account for at least 70% of the equity weight of the portfolio (excluding such Derivative Securities Products and Index-Linked Securities) each must have a minimum monthly trading volume of 250,000 shares, or minimum notional volume traded per month of $25,000,000, averaged over the last six months; [23]

(3) The most heavily weighted component stock (excluding Derivative Securities Products and Index-Linked Securities) must not exceed 30% of the equity weight of the portfolio, and, to the extent applicable, the five most heavily weighted component stocks (excluding Derivative Securities Products and Index-Linked Securities) must not exceed 65% of the equity weight of the portfolio; [24]

(4) A portfolio that includes any equity security as described in Commentary .01(a) shall include a minimum of 13 component stocks; provided, however, that there shall be no minimum number of component stocks if (a) one or more series of Derivative Securities Products or Index-Linked Securities constitute, at least in part, components underlying a series of Managed Fund Shares, or (b) one or more series of Derivative Securities Products or Index-Linked Securities account for 100% of the equity weight

[16] Proposed rule changes for previously-listed series of Managed Fund Shares have similarly included disclosure requirements with respect to each portfolio holding, as applicable to the type of holding. *See, e.g.* Securities Exchange Act Release No. 72666 (July 3, 2014), 79 FR 44224 (July 30, 2014) (SR–NYSEArca–2013–122) (the ''PIMCO Total Return Use of Derivatives Approval''), at 44227.

[17] The Exchange would also add a new defined term under Rule 8.600(c)(5) to specify that the term ''normal market conditions'' includes, but is not limited to, the absence of trading halts in the applicable 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.

[18] *See* the PIMCO Total Return Use of Derivatives Approval. See also, Securities Exchange Act Release Nos. 66321 (February 3, 2012), 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (the ''PIMCO Total Return Approval''); [sic] 69244 (March 27, 2013), 78 FR 19766 (April 2, 2013) (SR–NYSEArca–2013–08) (the ''SPDR Blackstone/GSO Senior Loan Approval''); 68870 (February 8, 2013), 78 FR 11245 (February 15, 2013) (SR–NYSEArca–2012–139) (the ''First Trust Preferred Securities and Income Approval''); 69591 (May 16, 2013), 78 FR 30372 (May 22, 2013) (SR–NYSEArca–2013–33) (the ''International Bear Approval''); 61697 (March 12, 2010), 75 FR 13616 (March 22, 2010) (SR–NYSEArca–2010–04) (the ''WisdomTree Real Return Approval''); and 67054 (May 24, 2012), 77 FR 32161 (May 31, 2012) (SR–NYSEArca–2012–25) (the ''WisdomTree Brazil Bond Approval''). Certain standards proposed herein for Managed Fund Shares are also based on previous proposed rule changes for specific series of Units for which Commission approval for listing was required due to the Units not satisfying certain standards of Commentary .01 and .02 to Rule 5.2(j)(3). *See* Securities Exchange Act Release Nos. 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (the ''iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series Approval''); 63881(February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120) (the ''SPDR Nuveen S&P High Yield Municipal Bond ETF Approval''); 63176 (October 25, 2010), 75 FR 66815 (October 29, 2010) (SR–NYSEArca–2010–94) (the ''iShares Taxable Municipal Bond Fund Approval''); and 69373 (April 15, 2013), 78 FR 23601 (April 19, 2013) (SR–NYSEArca–2012–108) (the ''NYSE Arca U.S. Equity Synthetic Reverse Convertible Index Fund Approval'').

[19] For the purposes of Commentary .01 and this proposal, the term ''U.S. Component Stocks'' would have the same meaning as defined in NYSE Arca Equities Rule 5.2(j)(3).

[20] For the purposes of Commentary .01 and this proposal, the term ''Derivative Securities Products'' would have the same meaning as defined in NYSE Arca Equities Rule 7.34(a)(4)(A).

[21] Index-Linked Securities are securities listed under NYSE Arca Equities Rule 5.2(j)(6).

[22] This proposed text is identical to the corresponding text of Commentary .01(a)(A)(1) to Rule 5.2(j)(3), except for the omission of the reference to ''index,'' which is not applicable, and the addition of the reference to Index-Linked Securities.

[23] This proposed text is identical to the corresponding text of Commentary .01(a)(A)(2) to Rule 5.2(j)(3), except for the omission of the reference to ''index,'' which is not applicable, and the addition of the reference to Index-Linked Securities.

[24] This proposed text is identical to the corresponding text of Commentary .01(a)(A)(3) to Rule 5.2(j)(3), except for the omission of the reference to ''index,'' which is not applicable, and the addition of the reference to Index-Linked Securities.

of the portfolio of a series of Managed Fund Shares; [25]

(5) Except as provided in proposed Commentary .01(a), equity securities in the portfolio must be U.S. Component Stocks listed on a national securities exchange and must be NMS Stocks as defined in Rule 600 of Regulation NMS; [26]

(6) For Derivative Securities Products and Index-Linked Securities, no more than 25% of the equity weight of the portfolio could include leveraged and/or inverse leveraged Derivative Securities Products or Index-Linked Securities; and

(7) American Depositary Receipts (''ADRs'') may be sponsored or unsponsored. However no more than 10% of the equity weight of the portfolio shall consist of unsponsored ADRs.

Proposed Commentary .01(b) would describe the standards for a Managed Fund Share portfolio that holds fixed income securities, which are debt securities [27] that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities (''Treasury Securities''), government-sponsored entity securities (''GSE Securities''), municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof, investment grade and high yield corporate debt, bank loans, mortgage and asset backed securities, and commercial paper. The applicable portfolio holdings standards would be as follows:

(1) Components that in the aggregate account for at least 75% of the fixed income weight of the portfolio shall meet the following:

(i) Each shall have a minimum original principal amount outstanding of $100 million or more; [28] or

(ii) if a municipal bond component, such component shall be issued in an offering with an aggregate size, as set forth in the official statement of the offering, of $100 million or more; [29]

(2) No component fixed-income security (excluding Treasury Securities and GSE Securities) could represent more than 30% of the fixed income weight of the portfolio, and the five most heavily weighted component fixed income securities in the portfolio must not in the aggregate account for more than 65% of the fixed income weight of the portfolio,[30]

(3) An underlying portfolio (excluding exempted securities) that includes fixed income securities must include a minimum of 13 non-affiliated issuers; provided, however, that there shall be no minimum number of non-affiliated issuers required for fixed income securities if at least 70% of the weight of the portfolio consists of equity securities as described in proposed Commentary .01(a).[31]

(4) Component securities that in aggregate account for at least 90% of the fixed income weight of the portfolio must be either (a) from issuers that are required to file reports pursuant to Sections 13 and 15(d) of the Act; (b) from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more; (c) from issuers that have outstanding securities that are notes, bonds debentures, or evidence of indebtedness having a total remaining principal amount of at least $1 billion; (d) exempted securities as defined in Section 3(a)(12) of the Act; or (e) from issuers that are a government of a foreign country or a political subdivision of a foreign country; and

(5) Non-agency, non-GSE and privately-issued mortgage-related and other asset-backed securities components of a portfolio shall not account, in the aggregate, for more than 20% of the weight of the fixed income portion of the portfolio.

Proposed Commentary .01(c) would describe the standards for a Managed Fund Share portfolio that holds cash and cash equivalents.[32] Specifically, the portfolio may hold short-term instruments with maturities of less than 3 months. There would be no limitation to the percentage of the portfolio invested in such holdings. Short-term instruments would include the following: [33]

(1) U.S. Government securities, including bills, notes and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by

[25] This proposed text is identical to the corresponding text of Commentary .01(a)(A)(4) to Rule 5.2(j)(3), except for the omission of the reference to ''index,'' which is not applicable, the addition of the reference to Index-Linked Securities, and the reference to the 100% limit applying to the ''equity portion'' of the portfolio.

[26] 17 CFR 240.600. This proposed text is identical to the corresponding text of Commentary .01(a)(A)(5) to Rule 5.2(j)(3), except for the addition of ''equity'' to make clear that the standard applies to ''equity securities'', the exclusion of unsponsored ADRs, and the omission of the reference to ''index,'' which is not applicable.

[27] Debt securities include a variety of fixed income obligations, including, but not limited to, corporate debt securities, government securities, municipal securities, convertible securities, and mortgage-backed securities. Debt securities include investment-grade securities, non-investment-grade securities, and unrated securities. Debt securities also include variable and floating rate securities. To the extent a fund holds a convertible security, the equity security into which such security is converted would be required to meet the criteria of proposed Commentary .01(a).

[28] This text of proposed Commentary .01(b)(1)(i) to Rule 8.600 is based on the corresponding text of Commentary .02(a)(2) to Rule 5.2(j)(3) .

[29] This proposed text is similar to the amendment to Commentary .02(a)(2) to Rule 5.2(j)(3) as proposed in SR–NYSEArca–2015–01. *See* Securities Exchange Act Release No. 74175 (January 29, 2015), 80 FR 6150 (February 4, 2015) (notice of filing of proposed rule change amending NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 relating to listing of Investment Company Units based on municipal bond indexes). Proposed rule changes for series of Units previously listed and traded on the Exchange pursuant to Rule 5.2(j)(3) similarly included the ability for such Units' holdings to include municipal bond components with individual principal amount outstanding of less than $100 million. *See, e.g.,* iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series Approval, *supra* note 18, at 61807; SPDR Nuveen S&P High Yield Municipal Bond ETF Approval, *supra* note 18, at 9066; and iShares Taxable Municipal Bond Fund Approval, *supra* note 18, at 66815–6. The proposed rule takes into account features of municipal bonds that differ from those of most other Fixed Income Securities. Principally, municipal bonds are issued with either ''serial'' or ''term'' maturities or some combination thereof. The official statement issued in connection with a municipal bond offering describes the terms of the bonds and the issuer and/or obligor on the related bonds, which is comprised of a number of specific maturity sizes. The entire issue (sometimes referred to as the ''deal size'') receives the same credit rating and the various maturities are all subject to the provisions set forth in the official statement. The entire issue is based on a specified project or group of related projects and funded by the same revenue or other funding sources identified in the official statement. The Exchange believes that the proposed rule change is reasonable and appropriate in that pricing and liquidity of such maturity sizes is predominately based on the common characteristics of the aggregate issue of which the municipal bond is part. Thus, consideration of the aggregate issue rather than the individual bond component does not raise concerns regarding pricing or liquidity of the index components or of the Units overlying the applicable municipal bond index.

[30] This proposed text is identical to the corresponding text of Commentary .02(a)(4) to Rule 5.2(j)(3), except for the omission of the reference to ''index,'' which is not applicable.

[31] This proposed text is similar to the corresponding text of Commentary .02(a)(5) to Rule 5.2(j)(3), except for the omission of the reference to ''index,'' which is not applicable, the exclusion of the text ''consisting entirely of exempted securities'' and the provision that there shall be no minimum number of non-affiliated issuers required for fixed income securities if at least 70% of the weight of the portfolio consists of equity securities as described in proposed Commentary .01(a).

[32] Proposed rule changes for previously-listed series of Managed Fund Shares have similarly included the ability for such Managed Fund Share holdings to include cash and cash equivalents. *See, e.g.,* SPDR Blackstone/GSO Senior Loan Approval, *supra* note 18, at 19768–69 and First Trust Preferred Securities and Income Approval, *supra* note 18, at 76150.

[33] Proposed rule changes for previously-listed series of Managed Fund Shares have similarly specified short-term instruments with respect to their inclusion in Managed Fund Share holdings. *See, e.g.,* First Trust Preferred Securities and Income Approval, *supra* note 18, at 76150–51.

U.S. Government agencies or instrumentalities;

(2) certificates of deposit issued against funds deposited in a bank or savings and loan association;

(3) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions;

(4) repurchase agreements and reverse repurchase agreements;

(5) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest;

(6) commercial paper, which are short-term unsecured promissory notes; and

(7) money market funds.

Proposed Commentary .01(d) would describe the standards for a Managed Fund Share portfolio that holds listed derivatives, including futures, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing.[34] There would be no limitation to the percentage of the portfolio invested in such holdings; provided, however, that, in the aggregate, at least 90% of the weight of such holdings invested in futures and exchange-traded options shall consist of futures and options whose principal market is a member of the Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange has a comprehensive surveillance sharing agreement (''CSSA'').[35] Proposed Commentary .01(e) would describe the standards for a Managed Fund Share portfolio that holds over the counter (''OTC'') derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing.[36]

Proposed Commentary .01(e)(1) would provide that no more than 60% of the assets in the portfolio may be invested in OTC derivatives, provided, however, that no more than 20% of the assets in the portfolio may be invested in OTC derivatives that are not centrally cleared.

Proposed Commentary .01(f) would provide that, to the extent that listed or OTC derivatives are used to gain exposure to individual equities and/or fixed income securities, or to indexes of equities and/or fixed income securities, such equities and/or fixed income securities, as applicable, shall meet the criteria set forth in Commentary .01(a) and .01(b) to Rule 8.600, respectively.

The Exchange believes that the proposed standards would continue to ensure transparency surrounding the listing process for Managed Fund Shares. Additionally, the Exchange believes that the proposed portfolio standards for listing and trading Managed Fund Shares, many of which track existing Exchange rules relating to Units, are reasonably designed to promote a fair and orderly market for such Managed Fund Shares.[37] These proposed standards would also work in conjunction with the existing initial and continued listing criteria related to surveillance procedures and trading guidelines.

In support of this proposal, the Exchange represents that:[38]

(1) the Managed Fund Shares will continue to conform to the initial and continued listing criteria under Rule 8.600;

(2) the Exchange's surveillance procedures are adequate to continue to properly monitor the trading of the Managed Fund Shares in all trading sessions and to deter and detect violations of Exchange rules. Specifically, the Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which will include Managed Fund Shares, to monitor trading in the Managed Fund Shares;

(3) prior to the commencement of trading of a particular series of Managed Fund Shares, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in a Bulletin of the special characteristics and risks associated with trading the Managed Fund Shares, including procedures for purchases and redemptions of Managed Fund Shares, suitability requirements under NYSE Arca Equities Rule 9.2(a), the risks involved in trading the Managed Fund Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated, information regarding the Portfolio Indicative Value and the Disclosed Portfolio, prospectus delivery requirements, and other trading information. In addition, the Bulletin will disclose that the Managed Fund Shares are subject to various fees and expenses, as described in the Registration Statement, and will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. Finally, the Bulletin will disclose that the net asset value for the Managed Fund Shares will be calculated after 4 p.m. ET each trading day; and

(4) the issuer of a series of Managed Fund Shares will be required to comply with Rule 10A–3 under the Act for the initial and continued listing of Managed Fund Shares, as provided under NYSE Arca Equities Rule 5.3.

The Exchange notes that the proposed change is not otherwise intended to address any other issues and that the Exchange is not aware of any problems that ETP Holders or issuers would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[39] in general, and furthers the objectives of Section 6(b)(5) of the Act,[40] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would facilitate the listing and trading of additional Managed Fund Shares, which would enhance competition among market participants, to the benefit of investors and the marketplace. Specifically, after more than six years under the current process, whereby the Exchange is required to file a proposed rule change with the Commission for the listing and trading of each new series of Managed Fund Shares, the Exchange believes that it is appropriate to codify certain rules within Rule 8.600 that would generally eliminate the need for separate proposed rule changes. The Exchange

[34] Proposed rule changes for previously-listed series of Managed Fund Shares have similarly included the ability for such Managed Fund Share holdings to include listed derivatives. *See, e.g.,* WisdomTree Real Return Approval, *supra* note 18, at 13617 and WisdomTree Brazil Bond Approval, *supra* note 18, at 32163.

[35] ISG is comprised of an international group of exchanges, market centers, and market regulators that perform front-line market surveillance in their respective jurisdictions. *See https://www.isgportal.org/home.html.*

[36] A proposed rule change for series of Units previously listed and traded on the Exchange pursuant to Rule 5.2(j)(3) similarly included the ability for such Units' holdings to include OTC derivatives, specifically OTC down-and-in put options, which are not NMS Stocks as defined in Rule 600 of Regulation NMS and therefore do not satisfy the requirements of Commentary .01(a)(A) to Rule 5.2(j)(3). *See, e.g.,* NYSE Arca U.S. Equity Synthetic Reverse Convertible Index Fund Approval, *supra* note 18, at 23602.

[37] *See* Approval Order, *supra* note 12 at 19548.

[38] The Exchange made similar representations in the Approval Order. *See id.* at 19549.

[39] 15 U.S.C. 78f(b).

[40] 15 U.S.C. 78f(b)(5).

believes that this would facilitate the listing and trading of additional types of Managed Fund Shares that have investment portfolios that are similar to investment portfolios for Units, which have been approved for listing and trading, thereby creating greater efficiencies in the listing process for the Exchange and the Commission. In this regard, the Exchange notes that the standards proposed for Managed Fund Share portfolios that include domestic equity securities, Derivative Securities Products, and Index-Linked Securities are based in large part on the existing equity security standards applicable to Units in Commentary .01 to Rule 5.2(j)(3) and that the standards proposed for Managed Fund Share portfolios that include fixed income securities are based in large part on the existing fixed income standards applicable to Units in Commentary .02 to Rule 5.2(j)(3). Additionally, many of the standards proposed for other types of holdings of series of Managed Fund Shares are based on previous proposed rule changes for specific series of Managed Fund Shares.[41]

With respect to the proposed addition to the criteria of Rule 8.600(c) to provide that the Web site for each series of Managed Fund Shares shall disclose certain information regarding the Disclosed Portfolio, to the extent applicable, the Exchange notes that proposed rule changes approved by the Commission for previously-listed series of Managed Fund Shares have similarly included disclosure requirements with respect to each portfolio holding, as applicable to the type of holding.[42] With respect to the proposed exclusion of Derivatives Securities Products and Index-Linked Securities from the requirements of proposed Commentary .01(a) of Rule 8.600, the Exchange believes it is appropriate to exclude Index-Linked Securities as well as Derivative Securities Products from certain component stock eligibility criteria for Managed Fund Shares in so far as Derivative Securities Products and Index-Linked Securities are themselves subject to specific quantitative listing and continued listing requirements of a national securities exchange on which such securities are listed. Derivative Securities Products and Index-Linked Securities that are components of a fund's portfolio would have been listed and traded on a national securities exchange pursuant to a proposed rule change approved by the Commission pursuant to Section 19(b)(2) of the Act[43] or submitted by a national securities exchange pursuant to Section 19(b)(3)(A) of the Act[44] or would have been listed by a national securities exchange pursuant to the requirements of Rule 19b–4(e) under the Act.[45] The Exchange also notes that Derivative Securities Products and Index-Linked Securities are derivatively priced, and, therefore, the Exchange believes that it would not be necessary to apply the proposed generic quantitative criteria (*e.g.,* market capitalization, trading volume, or portfolio component weighting) applicable to equity securities other than Derivative Securities Products or Index-Linked Securities (*e.g.,* common stocks) to such products.[46]

With respect to the proposed amendment to the continued listing requirement in Rule 8.600(d)(2)(A) to require dissemination of a Portfolio Indicative Value at least every 15 seconds during the Core Trading Session (as defined in NYSE Arca Equities Rule 7.34), such requirement conforms to the requirement applicable to the dissemination of the Intraday Indicative Value for Investment Company Units in Commentary .01(c) and Commentary .02 (c) to NYSE Arca Equities Rule 5.2(j)(3). In addition, such dissemination is consistent with representations made in proposed rule changes for issues of Managed Fund Shares previously approved by the Commission.[47]

With respect to the proposed requirement in Commentary .01(b)(3) to Rule 8.600 that an underlying portfolio (excluding exempted securities) that includes fixed income securities must include a minimum of 13 non-affiliated issuers, but that there would be no minimum number of non-affiliated issuers required for fixed income securities if at least 70% of the weight of the portfolio consists of equity securities, the Exchange notes that such requirement is consistent with proposed Commentary .01(b)(2). The Exchange further notes that Commentary .02 (a)(4) to Rule 5.2(j)(3) currently provides that a single fixed income security can represent up to 30% of the weight of an index underlying a series of Investment Company Units. Proposed Commentary .01(b)(3) to Rule 8.600, therefore, provides for a maximum weighting of a fixed income security in a fund's portfolio comparable to existing rules applicable to Investment Company Units based on fixed income indexes.

With respect to proposed Commentary .01(d)(1) to Rule 8.600 relating to listed derivatives, the Exchange believes that it is appropriate that there be no limit to the percentage of a portfolio invested in such holdings, provided that, in the aggregate, at least 90% of the weight of such holdings invested in futures and exchange-traded options would consist of futures and options whose principal market is a member of ISG or is a market with which the Exchange has a comprehensive surveillance sharing agreement. Such a requirement would facilitate information sharing among market participants trading shares of a series on Managed Fund Shares as well as futures and options that such series may hold. In addition, listed swaps would be centrally cleared, reducing counterparty risk and thereby furthering investor protection.[48]

With respect to proposed Commentary .01(e) to Rule 8.600 relating to OTC derivatives, the Exchange believes that the limitation to 20% of assets for non-centrally cleared derivatives would assure that the preponderance of fund investments in derivatives would be in centrally cleared derivatives.

With respect to proposed Commentary .01(f) to Rule 8.600 relating to a fund's use of listed or OTC derivatives to gain exposure to individual equities and/or fixed income securities, or to indexes of equities and/or indexes of fixed income securities, the Exchange notes that such exposure would be required to meet the numerical and other criteria set forth in proposed Commentary .01(a) and .01(b) to Rule 8.600 respectively.

Quotation and other market information relating to listed futures and options is available from the exchanges listing such instruments as well as from market data vendors. With respect to listed swaps, which are centrally cleared and traded on ''Swap Execution Facilities (''SEFs'')'', intraday

[41] *See supra,* note 18.

[42] *See supra,* note 16.

[43] 15 U.S.C. 78s(b)(2).

[44] 15 U.S.C. 78s(b)(3)(A).

[45] 17 CFR 240.19b–4(e).

[46] *See* Securities Exchange Act Release Nos. 57561 (March 26, 2008), 73 FR 17390 (April 1, 2008) (SR–NYSEArca–2008–29) (notice of filing of proposed rule change to amend eligibility criteria for components of an index underlying Investment Company Units); 57751 (May 1, 2008), 73 FR 25818 (May 7, 2008) (SR–NYSEArca–2008–29) (order approving proposed rule change to amend eligibility criteria for components of an index underlying Investment Company Units).

[47] *See, e.g.,* Approval Order, *supra* note 12; International Bear Approval, *supra* note 18.

[48] The Commission has noted that ''[c]entral clearing mitigates counterparty risk among dealers and other institutions by shifting that risk from individual counterparties to [central counterparties (''CCPs'')], thereby protecting CCPs from each other's potential failures.'' See Securities Exchange Act Release No. 67286 (June 28, 2012) (File No. S7–44–10) (Process for Submissions for Review of Security-Based Swaps for Mandatory Clearing and Notice Filing Requirements for Clearing Agencies).

pre-trade (quoting) information, including real time streaming quotes and market depth is available through the facilities of the applicable SEF.[49]

The Exchange notes that a fund's investments in derivative instruments would be subject to limits on leverage imposed by the 1940 Act. Section 18(f) of the 1940 Act and related Commission guidance limit the amount of leverage an investment company can obtain. A fund's investments would be consistent with its investment objective and would not be used to enhance leverage. To limit the potential risk associated with a fund's use of derivatives, a fund will segregate or ''earmark'' assets determined to be liquid by a fund in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. A fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of a fund's broad-based securities market index (as defined in Form N–1A).[50]

The proposed rule change is also designed to protect investors and the public interest because Managed Fund Shares listed and traded pursuant to Rule 8.600, including pursuant to the proposed new portfolio standards, would continue to be subject to the full panoply of Exchange rules and procedures that currently govern the trading of equity securities on the Exchange.[51]

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because the Managed Fund Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Managed Fund Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Financial Industry Regulatory Authority, Inc. (''FINRA''), on behalf of the Exchange, will communicate as needed regarding trading in Managed Fund Shares with other markets that are members of the ISG, including all U.S. securities exchanges and futures exchanges on which the components are traded. In addition, the Exchange may obtain information regarding trading in Managed Fund Shares from other markets that are members of the ISG, including all U.S. securities exchanges and futures exchanges on which the components are traded, or with which the Exchange has in place a CSSA.

The Exchange also believes that the proposed rule change would fulfill the intended objective of Rule 19b–4(e) under the Act by allowing Managed Fund Shares that satisfy the proposed listing standards to be listed and traded without separate Commission approval. However, as proposed, the Exchange would continue to file separate proposed rule changes before the listing and trading of Managed Fund Shares that do not satisfy the additional criteria described above.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[52] 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. Instead, the Exchange believes that the proposed rule change would facilitate the listing and trading of additional types of Managed Fund Shares and result in a significantly more efficient process surrounding the listing and trading of Managed Fund Shares, which will enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange believes that this would reduce the time frame for bringing Managed Fund Shares to market, thereby reducing the burdens on issuers and other market participants and promoting competition. In turn, the Exchange believes that the proposed change would make the process for listing Managed Fund Shares more competitive by applying uniform listing standards with respect to Managed Fund Shares.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–NYSEArca–2015–02 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[53] to determine whether the proposed rule change, as modified by Amendment No. 1 thereto, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. As noted above, institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1 thereto.

Pursuant to Section 19(b)(2)(B) of the Act,[54] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.''[55]

IV. Procedure: Request for Written Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1 thereto, is consistent with Section 6(b)(5) of the Act or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[56]

[49] There are currently five categories of swaps eligible for central clearing: Interest rate swaps; credit default swaps; foreign exchange swaps; equity swaps; and commodity swaps. The following entities provide central clearing for OTC derivatives: ICE Clear Credit (US); ICE Clear (EU); CME Group; LCH.Clearnet; and Eurex.

[50] See, *e.g.,* Securities Exchange Act Release No. 74842 (April 29, 2015), 86 FR 25723 (May 5, 2015) (SR–NYSEArca–2014–89) (order approving listing and trading of shares of eight PIMCO exchange-traded funds).

[51] *See* Approval Order, *supra* note 12, at 19547.

[52] 15 U.S.C. 78f(b)(8).

[53] 15 U.S.C. 78s(b)(2)(B).

[54] *Id.*

[55] 15 U.S.C. 78f(b)(5).

[56] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission

Continued

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal, as modified by Amendment No. 1 thereto, should be approved or disapproved by July 2, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 16, 2015. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in Amendment No. 1,[57] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following:

1. In general, do commenters believe that the proposed listing requirements are adequate to deter manipulation of the price of generically listed Managed Fund Shares and other trading abuses? If so, why? If not, why not?

2. The Exchange proposes to require that, to qualify for generic listing, the portfolio underlying the Managed Fund Shares must not hold more than certain percentages of OTC Derivatives, specifically: No more than 60% of the value of the underlying portfolio may consist of OTC Derivatives,[58] and no more than 20% of the value of the underlying portfolio may consist of OTC Derivatives that are not centrally-cleared.

a. ETF arbitrage mechanisms generally are designed to maintain alignment between intraday trading prices of ETF shares and the contemporaneous value of the underlying portfolio. Are the proposed limits for OTC Derivatives sufficient to support effective and efficient arbitrage activity in generically listed Managed Fund Shares? Will the proposed limits on OTC Derivatives facilitate alignment of the secondary market price of generically listed Managed Fund Shares with the value of their underlying portfolio? Why or why not? Are different percentages more appropriate? If so, what should they be and why?

b. What sources of pricing information (both intraday and end-of-day) are available for centrally-cleared OTC Derivatives? What sources of pricing information (both intraday and end-of-day) are available for non-centrally-cleared OTC Derivatives? Do the answers to these questions depend upon the underlying reference asset?

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–NYSEArca–2015–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2015–02. 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–NYSEArca–2015–02 and should be submitted on or before July 2, 2015. Rebuttal comments should be submitted by July 16, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14242 Filed 6–10–15; 8:45 am]

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flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[57] *See supra* note 9.

[58] The Exchange states that currently there are five categories of swaps eligible for central clearing—interest rate swaps; credit default swaps; foreign exchange swaps; equity swaps; and commodity swaps—and that the following entities provide central clearing for OTC derivatives: ICE Clear Credit (US); ICE Clear (EU); CME Group; LCH.Clearnet; and Eurex. *See supra* note 49.

[59] 17 CFR 200.30–3(a)(12) and 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75112; File No. SR–EDGA–2015–20]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 13.9 Describing a Communication and Routing Service Known as BATS Connect

June 5, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 27, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Rule 13.9 to describe a communication and routing service known as BATS Connect. The proposed rule change is based on an identical service offered by the Exchange's affiliate, EDGX Exchange, Inc. (''EDGX'').[5]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* EDGX Rule 13.9. *See also* Securities Exchange Act Release Nos. 73780 (December 8, 2014), 79 FR 73942 (December 12, 2014) (SR–EDGX–2014–28); and 74935 (May 12, 2015), 80 FR 28335 (May 18, 2015) (SR–EDGX–2015–19).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 13.9 to describe a communication and routing service known as BATS Connect. The Exchange proposes to offer BATS Connect on a voluntary basis in a capacity similar to a vendor. BATS Connect would operate in the same fashion as an identical service, also called BATS Connect, offered by the Exchange's affiliate, EDGX.[6] BATS Connect is a communication service that provides Members [7] an additional means to receive market data from and route orders to any destination connected to Exchange's network. BATS Connect does not provide any advantage to subscribers for connecting to the Exchange's affiliates [8] as compared to other method of connectivity available to subscribers. The servers of the participant need not be located in the same facilities as the Exchange in order to subscribe to BATS Connect. Participants may also seek to utilize BATS Connect in the event of a market disruption where other alternative connection methods become unavailable.

Specifically, this service would allow participants to route orders to other exchanges and market centers that are connected to the Exchange's network. This communications or routing service would not effect trade executions and would not report trades to the relevant Securities Information Processor. An order sent via the service does not pass through the Exchange's matching engine before going to a market center outside of the Exchange (*i.e.,* a participant could choose to route an order directly to any market center on the Exchange's network). A participant would be responsible for identifying the appropriate destination for any orders sent through the service and for ensuring that it had authority to access the selected destination; the Exchange would merely provide the connectivity by which orders (and associated messages) could be routed by a participant to a destination and from the destination back to the participant.[9]

The Exchange will charge a monthly connectivity fee to Members utilizing BATS Connect to route orders to other exchanges and broker-dealers that are connected to the Exchange's network. BATS Connect would also allow participants to receive market data feeds from the exchanges connected to the Exchange's network. The Exchange will file a separate proposed rule change with the Commission regarding the connectivity fees for order entry and market data to be charged for the BATS Connect service.[10]

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of Section 6(b) of the Act,[11] in general, and Section 6(b)(5) of the Act,[12] in particular, in that it promotes just and equitable principles of trade, removes impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protects investors and the public interest. Specifically, the proposal is consistent with Section 6(b)(5) of the Act,[13] in that it provides Members an alternative means to receive market data from and route orders to any destination connected to the Exchange's network, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. In addition, BATS Connect removes impediments to and perfects the mechanism of a free and open market and a national market system because, in the event of a market disruption, Members would be able to utilize BATS Connect to connect to other market centers where other alternative connection methods become unavailable. BATS Connect would operate in the same fashion as an identical service, also called BATS Connect, offered by the Exchange's affiliate, EDGX.[14] The proposed rule change is also similar to a communication and routing service implemented by the Chicago Stock Exchange, Inc. (''CHX'').[15] The proposed rule change will also not permit unfair discrimination among customers, brokers, or dealers because BATS Connect will be available to all of the Exchange's customers on an equivalent basis regardless of whether the servers of the Member are located in the same facilities as the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal will promote competition by the Exchange offering a service similar to those offered by the CHX and NYSE.[16] Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the proposed rule change is designed to provide Members with an alternative means to access other market centers if they chose or in the event of a market disruption where other alternative connection methods become unavailable. Therefore, the Exchange does not believe the proposed rule change will have any effect on competition.

[6] *See supra* note 5.

[7] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[8] The Exchange's affiliated exchanges are EDGX, BATS Exchange, Inc., and BATS Y-Exchange, Inc. The Exchange understands that its affiliated Exchange's intend to file identical proposed rule changes to adopt the BATS Connect service with the Commission.

[9] This service is an alternative to a service that the Exchange already provides to its Members—current order-sending Members route orders through access provided by the Exchange to the Exchange that either check the Exchange for available liquidity and then route to other destinations or, in certain circumstances, bypass the Exchange and route to other destinations. *See* Exchange Rule 11.11(g) (setting forth routing options whereby Members may select their orders be routed to other market centers).

[10] The Exchange understands that its affiliated exchanges intend to file identical proposed rule changes to adopt fees for the BATS Connect service with the Commission.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] *See supra* note 5.

[15] *See* Securities Exchange Act Release No. 54846 (November 30, 2006), 71 FR 71003 (December 7, 2006) (SR–CHX–2006–34) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Implementation of a Communication and Routing Service).

[16] *See* NYSE's SFTI Americas Product and Service List *available at http://www.nyxdata.com/docs/connectivity. See supra* note 15.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. Waiver of the 30-day operative delay would permit the Exchange to provide Members with an alternative means to access other market centers, particularly in the event of a market disruption. In addition, the Exchange represents that BATS Connect does not provide any advantage to subscribers for connecting to the Exchange's affiliates as compared to other methods of connectivity available to subscribers.[18] Based on the foregoing, the Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest.[19] The Commission hereby grants the waiver and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2015–20 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–EDGA–2015–20. 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–EDGA–2015–20 and should be submitted on or before July 2, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14241 Filed 6–10–15; 8:45 am]

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[17] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] *See supra* note 8.

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17f–6; OMB Control No. 3235–0447, SEC File No. 270–392.

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17f–6 (17 CFR 270.17f–6) under the Investment Company Act of 1940 (15 U.S.C. 80a) permits registered investment companies (''funds'') to maintain assets (*i.e.,* margin) with futures commission merchants (''FCMs'') in connection with commodity transactions effected on both domestic and foreign exchanges. Before the rule was adopted, funds generally were required to maintain such assets in special accounts with a custodian bank.

The rule requires a written contract that contains certain provisions designed to ensure important safeguards and other benefits relating to the custody of fund assets by FCMs. To protect fund assets, the contract must require that FCMs comply with the segregation or secured amount requirements of the Commodity Exchange Act (''CEA'') and the rules under that statute. The contract also must contain a requirement that FCMs obtain an acknowledgment from any clearing organization that the fund's assets are held on behalf of the FCM's customers according to CEA provisions.

Because rule 17f–6 does not impose any ongoing obligations on funds or

FCMs, Commission staff estimates there are no costs related to *existing* contracts between funds and FCMs. This estimate does not include the time required by an FCM to comply with the rule's contract requirements because, to the extent that complying with the contract provisions could be considered ''collections of information,'' the burden hours for compliance are already included in other PRA submissions.[1]

Thus, Commission staff estimates that any burden of the rule would be borne by funds and FCMs entering into *new* contracts pursuant to the rule. Commission staff estimates that approximately 291 fund complexes and 965 funds currently effect commodities transactions and could deposit margin with FCMs in connection with those transactions pursuant to rule 17f–6.[2] Staff further estimates that of this number, 29 fund complexes and 97 funds enter into new contracts with FCMs each year.[3]

Based on conversations with fund representatives, Commission staff understands that fund complexes typically enter into contracts with FCMs on behalf of all funds in the fund complex that engage in commodities transactions. Funds covered by the contract are typically listed in an attachment, which may be amended to encompass new funds. Commission staff estimates that the burden for a fund complex to enter into a contract with an FCM that contains the contract requirements of rule 17f–6 is one hour, and further estimates that the burden to add a fund to an existing contract between a fund complex and an FCM is 6 minutes.

Accordingly, Commission staff estimates that funds and FCMs spend 39 burden hours annually complying with the information collection requirements of rule 17f–6.[4] At $380 per hour of professional (attorney) time, Commission staff estimates that the annual dollar cost for the 39 hours is $14,820.[5] These estimates are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. 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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 5, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14245 Filed 6–10–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17f–2; OMB Control No. 3235–0223, SEC File No. 270–233.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17f–2 (17 CFR 270.17f–2), entitled ''Custody of Investments by Registered Management Investment Company,'' was adopted in 1940 under section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) (the ''Act''), and was last amended materially in 1947. Rule 17f–2 establishes safeguards for arrangements in which a registered management investment company (''fund'') is deemed to maintain custody of its own assets, such as when the fund maintains its assets in a facility that provides safekeeping but not custodial services.[1] The rule includes several recordkeeping or reporting requirements. The fund's directors must prepare a resolution designating not more than five fund officers or responsible employees who may have access to the fund's assets. The designated access persons (two or more of whom must act jointly when handling fund assets) must prepare a written notation providing certain information about each deposit or withdrawal of fund assets, and must transmit the notation to another officer or director designated by the directors. An independent public accountant must verify the fund's assets three times each year, and two of those examinations must be unscheduled.[2]

Rule 17f–2's requirement that directors designate access persons is intended to ensure that directors evaluate the trustworthiness of insiders who handle fund assets. The requirements that access persons act jointly in handling fund assets, prepare a written notation of each transaction, and transmit the notation to another designated person are intended to reduce the risk of misappropriation of fund assets by access persons, and to ensure that adequate records are prepared, reviewed by a responsible third person, and available for examination by the Commission. The requirement that auditors verify fund assets without notice twice each year is intended to provide an additional deterrent to the misappropriation of

[1] The rule requires a contract with the FCM to contain two provisions requiring the FCM to comply with existing requirements under the CEA and rules adopted thereunder. Thus, to the extent these provisions could be considered collections of information, the hours required for compliance would be included in the collection of information burden hours submitted by the CFTC for its rules.

[2] This estimate is based on the number of funds that reported on Form N–SAR from June 1, 2014–November 30, 2014, in response to items (b) through (i) of question 70, that they engaged in futures and commodity option transactions.

[3] These estimates are based on the assumption that 10% of fund complexes and funds enter into new FCM contracts each year. This assumption encompasses fund complexes and funds that enter into FCM contracts for the first time, as well as fund complexes and fund that change the FCM with whom they maintain margin accounts for commodities transactions.

[4] This estimate is based upon the following calculation: (29 fund complexes × 1 hour) + (97 funds × 0.1 hours) = 39 hours.

[5] The $380 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[1] The rule generally requires all assets to be deposited in the safekeeping of a ''bank or other company whose functions and physical facilities are supervised by Federal or State authority.'' The fund's securities must be physically segregated at all times from the securities of any other person.

[2] The accountant must transmit to the Commission promptly after each examination a certificate describing the examination on Form N–17f–2. The third (scheduled) examination may coincide with the annual verification required for every fund by section 30(g) of the Act (15 U.S.C. 80a–29(g)).

fund assets and to detect any irregularities.

The Commission staff estimates that each fund makes 974 responses and spends an average of 252 hours annually in complying with the rule's requirements.[3] Commission staff estimates that on an annual basis it takes: (i) 0.5 hours of fund accounting personnel at a total cost of $99 to draft director resolutions;[4] (ii) 0.5 hours of the fund's board of directors at a total cost of $2200 to adopt the resolution;[5] (iii) 244 hours for the fund's accounting personnel at a total cost of $63,797 to prepare written notations of transactions;[6] and (iv) 7 hours for the fund's accounting personnel at a total cost of $1386 to assist the independent public accountants when they perform verifications of fund assets.[7] Commission staff estimates that approximately 188 funds file Form N–17f–2 each year.[8] Thus, the total annual hour burden for rule 17f–2 is estimated to be 47,376 hours.[9] Based on the total costs per fund listed above, the total cost of rule 17f–2's collection of information requirements is estimated to be approximately $12.7 million.[10]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Complying with the collections of information required by rule 17f–2 is mandatory for those funds that maintain custody of their own assets. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 5, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14244 Filed 6–10–15; 8:45 am]

BILLING CODE 8011–01–P

[3] The 974 responses are: 1 (one) response to draft and adopt the resolution and 973 notations. Estimates of the number of hours are based on conversations with individuals in the fund industry. The actual number of hours may vary significantly depending on individual fund assets.

[4] This estimate is based on the following calculation: 0.5 (burden hours per fund) × $198 (senior accountant's hourly rate) = $99. Unless otherwise indicated, the hourly wage figures used herein are from the Securities Industry and Financial Markets Association's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[5] The estimate for the cost of board time as a whole is derived from estimates made by the staff regarding typical board size and compensation that is based on information received from fund representatives and publicly available sources.

[6] Respondents estimated that each fund makes 974 responses on an annual basis and spends a total of 0.25 hours per response. The fund personnel involved are Accounts Payable Manager ($186 hourly rate), Operations Manager ($334 hourly rate) and Accounting Manager ($265 hourly rate). The average hourly rate of these personnel is $262. The estimated cost of preparing notations is based on the following calculation: 974 × 0.25 × $262 = $63,797.

[7] This estimate is based on the following calculation: 7 × $198 (senior accountant's hourly rate) = $1386.

[8] On average, each year approximately 188 funds filed Form N–17f–2 with the Commission during calendar years 2011–2013.

[9] This estimate is based on the following calculation: 188 (funds) × 252 (total annual hourly burden per fund) = 47,376 hours for rule. The annual burden for rule 17f–2 does not include time spent preparing Form N–17f–2. The burden for Form N–17f–2 is included in a separate collection of information.

[10] This estimate is based on the following calculation: $67,482 (total annual cost per fund) × 188 funds = $12,686,616.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14340 and #14341]

Illinois Disaster #IL–00045

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Illinois dated 06/03/2015.

Incident: Severe thunderstorms and tornadoes.

Incident Period: 04/09/2015.

Effective Date: 06/03/2015.

Physical Loan Application Deadline Date: 08/03/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 03/03/2016.

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: Dekalb.

Contiguous Counties:

Illinois: Boone, Kane, Kendall, La Salle, Lee, McHenry, Ogle, Winnebago.

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 14340 B and for economic injury is 14341 0.

The State which received an EIDL Declaration # is Illinois.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 3, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–14323 Filed 6–10–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14338 and #14339]

West Virginia Disaster #WV–00036

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of West Virginia dated 06/03/2015.

Incident: Severe Storms, Heavy Snow and Record Low Temperatures.

Incident Period: 03/03/2015 through 03/14/2015.

Effective Date: 06/03/2015.

Physical Loan Application Deadline Date: 08/03/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 03/03/2016.

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: Mingo.

Contiguous Counties:

West Virginia: Lincoln, Logan, McDowell, Wayne, Wyoming.

Kentucky: Martin, Pike.

Virginia: Buchanan.

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 14338 B and for economic injury is 14339 0.

The States which received an EIDL Declaration # are West Virginia, Kentucky, Virginia.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 3, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–14321 Filed 6–10–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14295 and #14296]

Kentucky Disaster Number KY–00055

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 Commonwealth of Kentucky (FEMA–4216–DR), dated 04/30/2015.

Incident: Severe winter storms, snowstorms, flooding, landslides, and mudslides.

Incident Period: 02/15/2015 through 02/22/2015.

Effective Date: 06/02/2015.

Physical Loan Application Deadline Date: 06/29/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/01/2016.

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. Contreras, 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 Commonwealth of Kentucky, dated 04/30/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Ballard, Wayne.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Alan E. Escobar,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14327 Filed 6–10–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14344 and #14345]

Oklahoma Disaster #OK–00081

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 Oklahoma (FEMA–4222–DR), dated 06/04/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds, and Flooding.

Incident Period: 05/05/2015 and continuing.

Effective Date: 06/04/2015.

Physical Loan Application Deadline Date: 08/03/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 03/04/2016.

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: M. Mitravich, 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 06/04/2015, 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: Atoka, Bryan, Cleveland, Cotton, Grady, Haskell, Hughes, Johnston, Latimer, Mcclain, Okfuskee, Pittsburg, Pontotoc, Seminole, Stephens, Tillman.

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 14344B and for economic injury is 14345B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Alan E. Escobar,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14325 Filed 6–10–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14330 and #14331]

Oklahoma Disaster Number OK–00092

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4222–DR), dated 05/26/2015.

Incident: Severe storms, tornadoes, straight line winds, and flooding.

Incident Period: 05/05/2015 and continuing.

Effective Date: 06/03/2015.

Physical Loan Application Deadline Date: 07/27/2015.

EIDL Loan Application Deadline Date: 02/26/2016.

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. Contreras, 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 the State of Oklahoma, dated 05/26/2015 is hereby amended to re-establish the incident period for this disaster as beginning 05/05/2015 and continuing.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Alan E. Escobar,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14329 Filed 6–10–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14330 and #14331]

Oklahoma Disaster Number OK–00092

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of OKLAHOMA (FEMA–4222–DR), dated 05/26/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds, and Flooding.

Incident Period: 05/05/2015 and continuing.

Effective Date: 06/04/2015.

Physical Loan Application Deadline Date: 07/27/2015.

EIDL Loan Application Deadline Date: 02/26/2016

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: M. Mitravich, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of OKLAHOMA, dated 05/26/2015 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Atoka, Bryan, Comanche, Johnston, Kiowa, Le Flore, McClain, McCurtain, Pittsburg, Pottawatomie.

Contiguous Counties: (Economic Injury Loans Only):

Oklahoma: Beckham, Carter, Choctaw, Coal, Cotton, Greer, Haskell, Hughes, Jackson, Latimer, Marshall, McIntosh, Murray, Okfuskee, Pontotoc, Pushmataha, Seminole, Sequoyah, Tillman, Washita.

Arkansas: Little River, Polk, Scott, Sebastian, Sevier.

Texas: Bowie, Fannin, Grayson, Lamar, Red River.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Alan E. Escobar,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14318 Filed 6–10–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9169]

30-Day Notice of Proposed Information Collection: Application for Immigrant and Alien Registration

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to July 13, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to George Weber at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Immigrant Visa and Alien Registration.
- *OMB Control Number:* 1405–0015.
- *Type of Request:* Extension of a Currently Approved Application.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–230.
- *Respondents:* Immigrant Visa Applicants.
- *Estimated Number of Respondents:* 5,000 respondents.
- *Estimated Number of Responses:* 5,000 responses.
- *Average Time Per Response:* 1 hour.
- *Total Estimated Burden Time:* 5,000 hours.
- *Frequency:* Once per Respondent.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Department of State consular officers use Form DS–230 (Application for Immigrant Visa and Alien Registration), in conjunction with a personal interview and other requirements set forth in 22 CFR part 42, subpart G, to elicit information necessary to ascertain the applicability of the legal requirements to issue an immigrant visa. The information requested on the form is limited to that which is necessary for consular officers to determine the eligibility and classification of aliens seeking immigrant visas to the United States efficiently. A consular officer is unable to adjudicate such visas without collecting this information.

Methodology

The DS–230 is available electronically via the internet and is downloaded, completed online, printed and submitted to the National Visa Center (NVC). The web address where the DS–230 can be accessed is *http://travel.state.gov/content/visas/english/forms.html.*

Dated: May 4, 2015.

Edward Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–14357 Filed 6–10–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans) is issuing this notice to advise the public that Federal actions taken by Caltrans pursuant to its assigned responsibilities under 23 U.S.C. 327, as well as actions by other Federal agencies, are final within the meaning of 23 U.S.C. 139*(l)*(1). The actions relate to a proposed Interstate 5 Bus/Carpool Lanes Project (Post Miles 9.7 to 22.5), south of Elk Grove Blvd. to United States (US) Highway 50 in Sacramento County, State of California. This action grants approval for the project.

DATES: By this notice, FHWA, on behalf of Caltrans, is advising the public of final actions subject to 23 U.S.C. 139*(l)*(1). These actions have been taken by Caltrans pursuant to its assigned responsibilities under 23 U.S.C. 327, as well as by other Federal agencies. A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 9, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Kendall Schinke, Senior Environmental Planner, California Department of Transportation, 2379 Gateway Oaks Dr., Suite 150, Sacramento, CA 95833, weekdays between 8 a.m. and 4:30 p.m., (916) 274–0610, *kendall_schinke@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that Caltrans, and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of California. The Interstate 5 Bus/Carpool Lanes Project would improve operations and safety of Interstate 5 in Sacramento County, California. This would be accomplished by adding bus/carpool lanes in the median the entire length of the project. The actions by Caltrans and other Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/Finding of No significant Impact (FONSI) for the project, approved by Caltrans on June 2, 2015. The EA/FONSI and other project records are available by contacting Caltrans at the address provided above. Comments or questions concerning this proposed action should be directed to Caltrans at the address provided above.

This notice applies to Caltrans and other Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to the following Federal environmental statutes and Executive orders:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
7. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).
8. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act, [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act, 42 U.S.C. 4001–4128.
9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income

Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Cesar Perez,

Senior Transportation Engineer, Federal Highway Administration, Sacramento, California.

[FR Doc. 2015–14264 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0303]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 21 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted April 18, 2015. The exemptions expire on April 18, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

II. Background

On March 18, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 14240). That notice listed 21 applicants' case histories. The 21 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 21 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 ° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 21 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including Best disease, toxoplasmosis scar, corneal scar, hemorrhage, retinal detachment, amblyopia, displaced pupil, cataract, macular drusen, esotropia, refractive amblyopia, complete loss of vision, maculopathy, chronic central serous retinopathy, hyperopia, retinal tear, calcification of cornea, and failed penetrating keratoplasty. In most cases, their eye conditions were not recently developed. Thirteen of the applicants were either born with their vision impairments or have had them since childhood.

The eight individuals that sustained their vision conditions as adults have had it for a range of one to 29 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 21 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from one to 29 years. In the past three years, one of drivers was involved in a crash and two were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant

were stated and discussed in detail in the March 18, 2015 notice (80 FR 14240).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 21 applicants, one driver was involved in a crash, and two were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 21 applicants listed in the notice of March 18, 2015 (80 FR 14240).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 21 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received four comments in this proceeding. The comments are discussed below.

Casey Fleming agrees with the proposal to grant the 21 drivers in this proceeding exemptions from the Federal vision standard.

Larry Worley agrees with the proposal to grant Ronald J. Gruszecki an exemption from the Federal vision standard.

An anonymous commenter agrees with the proposal to grant Raymond W. Pitts an exemption from the Federal vision standard.

An anonymous commenter agrees with the proposal to grant Neal S. Anderson, Robert D. Arkwright, Randy

A. Cimei, and Ronald J. Gruszecki exemptions from the Federal vision standard.

IV. Conclusion

Based upon its evaluation of the 21 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Neal S. Anderson (MN)
Robert D. Arkwright (MS)
Charles D. Ashworth, Jr. (KY)
Randy A. Cimei (IL)
Ronald J. Gruszecki (IL)
Gerald L. Harper (MO)
Alan L. Helfer, Sr. (IL)
Steven R. Jones (KS)
William F. Laforce (VT)
Robert N. Lewis (OH)
Ryan T. McKinney (TN)
Freeman A. Miller (OH)
Larry G. Murray (LA)
Thomas W. Oberschlake (OH)
Dennis R. Ohl (MO)
J.W. Peebles (TN)
Craig C. Perrotta (MA)
Raymond W. Pitts (FL)
Jeffrey A. Porter (CT)
Marty J. Prouty (IA)
Daniel A. Rau (NJ)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 29, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–14273 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[[Docket No. FMCSA–2013–0436]

Parts and Accessories Necessary for Safe Operation; Denial of the International Window Film Association's Exemption Application

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Denial of exemption application.

SUMMARY: FMCSA denies an exemption application from the International Window Film Association (IWFA) to allow the use of glazing in the windows to the immediate right and left of the driver that does not meet the light transmission requirements specified in the Federal Motor Carrier Safety Regulations (FMCSR). The current rule permits windshields and side windows of commercial motor vehicles (CMVs) to be tinted as long as the light transmission is not restricted to less than 70 percent of normal. While IWFA contended that a reduction of light entering the truck cab interior can (1) significantly improve driver comfort, (2) reduce eye strain, and (3) reduce the heat load of the interior environment, thus making the driver more comfortable as well as lowering energy use for cooling, it failed to provide any evidence that motor carriers operating CMVs equipped with glazing that blocks more normal light than currently permitted will achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Huntley, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–5370; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the FMCSRs. On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

IWFA Application for Exemption

IWFA applied for an exemption from 49 CFR 393.60(d) to allow the use of glazing in the windows to the immediate right and left of the driver that does not meet the light transmission requirements specified in the FMCSRs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(d) of the FMCSRs permits coloring or tinting of windshields and the windows to the immediate right and left of the driver, as long as the ''parallel luminous transmittance through the colored or tinted glazing is not less than 70 percent of the light at normal incidence in those portions of the windshield or windows which are marked as having a parallel luminous transmittance of not less than 70 percent.'' The transmittance restriction does not apply to other windows on the commercial motor vehicle.

In its application, IWFA states:

> Many commercial operators, however, have been unable to obtain the approved film products in a timely and local basis; this has generated a significant volume of inquiries to federal, state, and association offices. We are therefore requesting a favorable consideration for the use of a market-standard 50%-type of film with a 7% measurement tolerance (to accommodate variances in glass, glass condition, film manufacturing variation, and meter differences.) This would allow the standard 50%-type film to be used on CMVs for the windows to the immediate right and left of the driver. This film is the same minimum visibility requirement used in the majority of states for automobiles and is essentially ''clear'' to the extent that, in most cases, it is difficult to determine if a vehicle even has had film applied. Since a reduction of light entering the truck cab interior will decrease not only available visible light but also scattered light (sometimes called ''interference haze'' by optical researchers), it can significantly improve driver comfort and reduce eye strain while also allowing films to be used which can also reduce the heat load of the interior environment, thus making the driver more comfortable as well as lowering energy use for cooling.

In support of its application, IWFA also provided an excerpt from an article titled ''Safety Benefits and Costs of Tinted Glazing'' published in 1988 by Harold Wakeley of the IIT Research Institute of Chicago.

In addition, IWFA stated:

> This level of application would retain the industry's commitment to the enforcement community and also provide the commercial fleet operator with the expanded benefits of a larger number of film products which can provide energy and emissions improvements. It should be noted that while there may be no additional improvement in UV protection from that received by the current standard of 70 percent, the added benefit of fuel savings (and therefore greenhouse gas reductions) as well as reduced glare (haze) and enhanced driver comfort are greatly expanded by the benefits associated with the use of the requested level of film on CMVs.

Safety Requirements

Section 393.60(a) of the FMCSRs requires that ''Glazing material used in windshields, windows, and doors on a motor vehicle manufactured on or after December 25, 1968, shall at a minimum meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 205 in effect on the date of manufacture of the motor vehicle.''

NHTSA is authorized to issue safety standards applicable to new motor vehicles and motor vehicle equipment under 49 U.S.C. 30101 *et seq.* These safety standards establish minimum performance requirements for motor vehicles and motor vehicle equipment in order to ''reduce traffic accidents and deaths and injuries resulting from traffic accidents'' [49 U.S.C. 30101]. Under this authority, NHTSA issued FMVSS No. 205, ''Glazing materials,'' which applies to all new vehicles and all new glazing materials for use in motor vehicles. FMVSS No. 205 specifies performance requirements and permissible locations for the types of glazing that may be installed in motor vehicles. The standard incorporates by reference American National Standards Institute (ANSI) Standard Z26.1, ''Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways,'' (Z26). The requirements in Z26 are specified in terms of performance tests that the various types of glazing must pass.

One of the tests is for luminous, or light, transmittance. This test measures the regular (parallel) transmittance of a sample of the glazing, in terms of the percentage of incident light that passes through the glazing. During the test, light strikes the glazing at a 90 degree angle. To pass the test, the glazing must allow 70 percent of the incident light to pass through.

The amount of light transmitted through vehicle glazing affects the ability of the driver to see objects on the road. Low light transmittance can make it difficult to detect low contrast objects, such as pedestrians, whose luminance and coloring causes them to blend with the background of the roadside environment. The effect of low light transmittance levels on the driver's vision is most pronounced at dusk and night when the ambient light level is low. This is because the ''contrast sensitivity'' of the eye diminishes as the overall brightness of the scene decreases. This lower contrast sensitivity makes it especially difficult to discern low contrast objects. This problem is most acute for older drivers who have poorer contrast sensitivity. Contrast sensitivity declines by a factor of two about every 20 years after age 30. Thus, older drivers have poorer dusk and night vision.

The light transmittance requirements must be met by all glazing installed in windows that are ''requisite for driving visibility.'' For CMVs, glazing that meets the 70 percent light transmittance requirement is required in the windshield and the windows to the immediate left and right of the driver. Section 393.60 of the FMCSRs does not require other windows on CMVs (*i.e.,* rear windows) to meet the 70 percent light transmittance requirement, as Section 393.80 of the FMCSRs requires every bus, truck, and truck tractor to be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle. These rear-vision mirrors must meet the requirements of FMVSS No. 111, ''Rearview mirrors,'' in effect at the time the vehicle was manufactured.

NHTSA Rulemaking and Report to Congress

On August 10, 1988, a group of businesses submitted a petition for rulemaking to NHTSA on the issue of light transmissibility for motor vehicle glazing. Specifically, NHTSA was petitioned to amend FMVSS No. 205 to permit 35 percent minimum luminous transmittance plastic film on glazing in the side and rear locations of passenger cars. The petition was accompanied by a report, ''Safety Benefits and Costs of Tinted Vehicle Glazing'' by the Illinois Institute of Technology Research Institute (IITRI)—*the same report cited by IWFA in the subject exemption application.* On July 20, 1989, NHTSA published a notice in the **Federal Register** granting the petition and requesting public comment on the issues raised in the petition (54 FR 36427).

The House Appropriations Committee Report accompanying the Department of Transportation Appropriations Act for Fiscal Year 1991 requested NHTSA to report to the House and Senate Committees on Appropriations on the adequacy of current regulations governing window tinting. In March 1991, NHTSA issued a Report to Congress on Tinting of Motor Vehicle Windows which, among other things, concluded:

- While it is not possible to quantify the safety effects of lowering the light transmittance through window tinting, data indicate that extensive tinting can reduce the ability of drivers to detect objects, which could lead to an increase in crashes.
- The benefits of tinting do not appear great enough to justify any loss in safety that may be associated with allowing excessive tinting of windows. Further, technology already being applied in production car windows can reduce the heat build up in the occupant compartment while preserving the driver's visibility. A greater reduction in the ability of drivers to see through the windshield, rear window or front side windows would be expected to decrease highway safety.

On January 22, 1992, NHTSA published a notice of proposed rulemaking in the **Federal Register** to amend FMVSS No. 205 to (1) revise the light transmittance requirements to replicate real-world conditions more closely, (2) adjust the required light transmittance levels in the standard in response to the new test procedure and other considerations, and (3) make the light transmittance requirements consistent for passenger cars and light trucks (57 FR 2496).

On July 14, 1998, NHTSA published a notice in the **Federal Register** withdrawing the proposed amendments to FMVSS No. 205 to revise its light transmittance requirements (63 FR 36427). In part, NHTSA concluded that there was limited prospect of commensurate increases in visibility and safety, and indicated that it wanted to better define the relationship between light transmittance and highway safety before requiring differing transmittance values for different vehicle windows.

Public Comments

On January 23, 2014, FMCSA published a notice of the IWFA application and asked for public comment (79 FR 3916). The Agency received 16 comments.

The Agency received 12 comments in support of IWFA's exemption application, including 10 from individual drivers, one from a motor

carrier representative, and one from the American Trucking Associations (ATA), a united federation of motor carriers, state trucking associations, and national trucking conferences. The individual drivers and the motor carrier representative cited many of the same (or similar) benefits identified by IWFA in its exemption application in support of allowing the use of glazing that blocks more normal light than currently permitted, including (1) reduced glare, (2) reduced eye stress/strain, tiredness, and headaches due to heat, (3) increased driver comfort and awareness due to decreased cab temperatures, (4) increased privacy at truck stops, (5) reduced risk of skin cancer, and (6) increased availability and lower cost when compared to compliant glazing. ATA supported the exemption application, stating that it ''believes that this exemption will not adversely impact safety and may help reduce heat load thereby lowering energy use and improving fuel economy.''

FMCSA Response: None of the commenters that supported the exemption application provided any data or information to demonstrate that an equivalent level of safety would be maintained with the reduction in light transmittance. FMCSA agrees with NHTSA's previous conclusions that (1) the suggested benefits of reduced light transmission levels are minimal and can be better achieved through other means, and (2) a reduction in the ability of drivers to see through the windshield, rear window or front side windows would be expected to decrease highway safety. Consistent with the previous findings by NHTSA, FMCSA believes that any potential benefits of reduced light transmittance are not great enough to justify any corresponding loss in safety that may be associated such reduction.

The Agency received four comments opposed to IWFA's exemption application, including two from individual drivers, one from a retired police officer, and one from Advocates for Highway and Auto Safety (Advocates). The individual drivers noted that window tinting (1) reduces visibility, explicitly at night, and (2) inhibits the ability to establish eye contact with other drivers and pedestrians at intersections. The retired police office cited concerns regarding the safety of law enforcement officials, noting that tinted windows make it more difficult to see how many persons are occupying vehicles, and possible weapons, drugs, or contraband on board the CMV.

Advocates stated that as the IWFA exemption, if granted, would apply to all CMVs, it was concerned that:

> [t]he exemption would amount to a whole cloth change of current regulation for all commercial motor vehicles which should more appropriately be handled through rulemaking rather than exemption procedures. Advocates is further concerned that should this exemption be granted, at the end of the two-year exemption period there would be widespread non-compliance unless the exemption were extended, which would lead to repetitive requests for renewal of the exemption. This situation would effectively eliminate the current regulation, or require that portion of the fleet using the proposed film to replace the window films or glazing in order to conform to the existing rule without the exemption. The FMCSA should deny the present petition and address the proposal through the rulemaking process.

In addition, Advocates states that IWFA ''neither performed nor included any form of safety analysis in the Application nor provided any form of explanation as to how the Applicant would ensure that the proposed alternative window film light transmission levels would achieve an equivalent level of safety as required by both statute and regulation.'' Specifically, Advocates stated:

> [t]here is no discussion of safety or the impact that decreased light transmission may have under other conditions, such as at night when this may reduce the driver's ability to view objects and vehicles through the side windows and mirrors. While the Applicant does cite a decades old paper on the benefits of reduced light transmittance, there is no discussion of this effect in any way, let alone in terms of safety, on the operation of a commercial vehicle. Additionally the citing of summary findings from a single work of decades old research in no way qualifies as an ''assessment of safety'' as required by statute and regulation.

FMCSA response: The comments regarding reduced visibility, especially at night, are consistent with previous NHTSA findings, and FMCSA agrees that this reduced visibility would likely lead to a reduction in safety. FMCSA agrees with Advocates that none of the commenters that supported the exemption application provided any data or information to demonstrate that an equivalent level of safety would be maintained with the reduction in light transmittance. Lacking any such data or information, FMCSA is unable to make a determination—as required in 49 CFR 381.305(a)—that motor carriers would be able to maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.

FMCSA Decision

The purpose of FMVSS No. 205 is to (1) reduce injuries resulting from impact to glazing surfaces, (2) minimize the possibility of occupants being thrown through the vehicle windows in collisions, and, specifically with respect to the subject IWFA exemption application, (3) *ensure a necessary degree of transparency in motor vehicle windows for driver visibility.* While IWFA contended that a reduction of light entering the truck cab interior can (1) significantly improve driver comfort, (2) reduce eye strain, and (3) reduce the heat load of the interior environment thus making the driver more comfortable as well as lowering energy use for cooling, it failed to provide any evidence that motor carriers operating CMVs equipped with glazing that blocks more normal light than currently permitted will achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

NHTSA's 1991 Report to Congress acknowledged that ''Although all studies show a lowering of the ability to detect targets as tint level increases, it is not possible to predict accurately the numerical relationship between accidents and tinting.'' At the same time, however, the same report states ''The loss, due to excessive tinting and its effect on light transmittance, of the ability to see low contrast objects such as people, animals or unlighted vehicles *is clearly a safety problem.''* [Emphasis added].

Based on all of the above, FMCSA has made a determination to deny the IWFA exemption application. Absent any amendments to FMVSS No. 205 and/or ANSI Z26.1 referenced therein, and lacking any objective data or analyses demonstrating that a reduction of the required light transmittance from 70 percent to 50 percent in CMVs will not adversely affect the level of safety of CMV operations, FMCSA is unable to make a determination—as required in 49 CFR 381.305(a)—that motor carriers would be able to maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.

Issued on: May 27, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–14272 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0406]

Commercial Driver's License Standards: Application for Exemption; C.R. England, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant C.R. England, Inc. (C.R. England) an exemption from the provisions in 49 CFR 383.25(a)(1) that require a commercial learner's permit (CLP) holder to be accompanied by a commercial driver's license (CDL) holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel training on public roads or highways. Under the terms and conditions of this exemption, a CLP holder who has documentation of passing the CDL skills test may drive a commercial motor vehicle for C.R. England without being accompanied by a CDL holder in the front seat. The exemption enables CLP holders to drive as part of a team and have the same regulatory flexibility that 49 CFR 383 provides for C.R. England's team drivers with CDLs. C.R. England believes that the exemption will allow these drivers to operate in a way that benefits the driver, the carrier, and the economy as a whole without any detriment to safety.

DATES: The exemption is effective from 12:01 a.m., June 11, 2015 through 11:59 p.m., June 12, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

Docket: For access to the docket to read background documents or comments submitted to the notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The online Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

C.R. England is a carrier that transports temperature-sensitive freight. It provides CDL training for its drivers in partnership with Premier Truck Driving Schools in five locations (Burns Harbor, IN; Dallas, TX; Fontana, CA; Richmond, IN; and Salt Lake City, UT). C.R. England seeks an exemption from 49 CFR 383.25(a)(1) that would allow CLP holders who have successfully passed a CDL skills test and are thus eligible to receive a CDL, to drive a truck without a CDL holder being present in the front seat. This would allow a CLP holder to participate in a revenue-producing trip back to his or her State of domicile to obtain the CDL document, as the CDL can only be issued by the State of domicile in accordance with Part 383.

C.R. England advised that FMCSA is aware of the trucking industry's need for qualified and well-trained drivers to meet increasing shipping demands. C.R. England believes that 49 CFR 383.25(a)(1) limits its ability to efficiently recruit, train, and employ new entrants to the industry. Prior to the implementation of section 385.25(a)(1), States routinely issued temporary CDLs to drivers who passed the CDL skills test. The temporary CDL allowed C.R. England time to route the new driver to his or her State of domicile to obtain the permanent CDL and place the new driver into an on-the-job training position with a driver-trainer. The driver-trainer supervised and observed the new driver, but was not required to be on-duty and in the front seat at all times. Thus, the new driver became productive immediately, allowing more freight movement for C.R. England and compensation for the new driver.

C.R. England contends that compliance with the CDL rule prevents it from implementing more efficient operations. The rule places C.R. England in the untenable position of either sending the CLP holder home without having hired him or her (because the person does not yet have a CDL) with no assurance that the driver will remain with C. R. England after obtaining the CDL; or, hiring the CLP holder and sending him or her home in an unproductive non-driving capacity. Granting the exemption would allow the CLP holder to drive as part of a team on that trip, resulting in reduced costs and increased productivity.

C.R. England asserts that the exemption would be consistent with the Agency's comments in the preamble to the final rule adopting § 383.25 that ''FMCSA does not believe that it is safe to permit inexperienced drivers who have not passed the CDL skills test to drive unaccompanied.'' (76 FR 26854, 26861 May 9, 2011). The exemption sought would apply only to those C.R. England drivers who have passed the CDL skills test and hold a CLP. C.R. England believes that the exemption would result in a level of safety that is equivalent to or greater than the level of safety provided under the rule. The only difference between a CLP holder who has passed the CDL skills test and a CDL holder is that the latter has received the actual CDL from a State Driver Licensing Agency.

Public Comments

On November 28, 2014, FMCSA published notice of this application and requested public comment (79 FR 70916). The Agency received 274 comments representing various transportation interests in response to the proposed exemption. Eleven comments received in support of the exemption were from AAA School of Trucking; American Trucking Associations (ATA); C.R. England; Katlaw Truck Driving Schools; U.S. Truck Driver Training School, Inc.; Utah Trucking Association; an anonymous truck driver training school; and four individuals. Among the 257

respondents opposing the exemption were Advocates for Highway and Auto Safety (Advocates); American Association of Motor Vehicle Administrators (AAMVA); Commercial Vehicle Safety Alliance (CVSA); Owner-Operator Independent Drivers Association (OOIDA); Apex CDL Institute; and individual drivers and driver trainees. The Commercial Vehicle Training Association (CVTA) and the California Trucking Association (CTA) were among 6 respondents who did not indicate opposition or support for the exemption. CVTA commented that before considering C.R. England's exemption, the FMCSA must first clarify its regulations regarding issuance of a CDL. The CTA submitted a petition for an exemption to allow States the option to waive the domicile requirements in 49 CFR 383.25(a)(2), 383.71(a)(2)(vi), and 384.212.

AAA School of Trucking commented that ''As a licensing center, we see graduates all the time waiting for the plastic license to be issued, when they are ready to drive. The extensiveness of the training, which in our case is thorough regardless of licensing concerns, still is irrelevant to the issue at hand.''

The ATA commented that ''Because such drivers have already successfully passed both knowledge and skills tests, they could be presumed to have demonstrated safety performance equally as safe as a driver holding a CDL. Only formalities in the drivers' state of domicile prevent the driver from already holding such a credential. Therefore, ATA encourages FMCSA to grant the proposed exemption.''

C.R. England commented that ''The exemption is not seeking a reprieve from any testing or training standards, but instead is seeking to allow qualified drivers to begin providing for their families rather than having to cut through unnecessary bureaucratic red tape. Additionally, if the FMCSA believes that this exemption is more easily and consistently enforced if the exemption applies to all similarly situated drivers, C.R. England would support broadening the exemption request.''

Katlaw Truck Driving Schools commented that ''All they are asking is that an out of state candidate who passes the skills test is allowed to go to work immediately as a licensed driver in the same way that an in state candidate can.''

Utah Trucking Association commented that ''The exemption is merely seeking to eliminate red tape and inefficiency.''

An anonymous respondent commented by stating ''I do not see a reason why this exemption would not only be granted to C.R. England, but to any other individual or carrier that is similarly situated.''

Mr. Matthew Crawford commented that ''I support the exemption providing the company has a strong documentation in safety and compliance department.''

Advocates, AAMVA, APEX CDL Institute, CVSA, and OOIDA opposed the exemption. The remaining 252 comments in opposition were from truck drivers, truck driver-trainers, and individuals. These respondents do not believe that it is safe for a CLP holder to operate a CMV without the supervision of a CDL driver-trainer in the front seat of the truck.

Advocates commented that ''When a CDL holder is not in the front seat of the truck observing the actions of the CLP holder, the driver cannot provide the supervision as required by the federal regulation. When not present in the front seat of the vehicle, the CDL holder is not focused on the task of driving and cannot give the CLP holder critical insight and advice specific to situations encountered by the CLP holder during the trip. This type of unique guidance is invaluable in teaching and training novice drivers, forming good driving habits and can help prevent a crash.''

APEX CDL Institute commented that ''It has nothing to do with CRE's shortage of drivers . . . it has everything to do with their running a driver program consisting of indentured servants and their desire to maintain control over them.''

AAMVA recommended that ''FMCSA not grant this exemption under the determination that such an exemption would not achieve a level of safety equivalent to the level that would be achieved by current FMCSRs.'' ''AAMVA feels that any additional documentation requirements would contribute to substantial cost being borne by the states, additional administrative burden in issuing documentation to satisfy the return trip to the State of domicile, and open the commercial transportation network up to additional instances of document fraud.''

CVSA summarized its opposition to the exemption by stating that ''granting yet another regulatory exception only serves to confound law enforcement and industry's understanding of the rules. Every exception and change to regulations requires additional training for inspectors, resulting in the potential for a higher level of confusion surrounding the applicability of the regulations.''

OOIDA stated that ''OOIDA, as a general policy, does not believe FMCSA should exempt large motor carriers from the agency's CDL training-related regulations.'' OOIDA further stated that ''Given the open nature of FMCSA's driver training rulemaking, it is certainly conceivable that the issues raised by CRE in its exemption request could be considered under that process, along with the broad scope of issues covered under the process by which a new driver obtains a CDL.''

Mr. Roy Moore wrote that ''I think this proposal would be a grave mistake. As a 27+ year driver I'd say putting someone with No practical experience on the road without a trainer is a terrible mistake.''

Mr. Brian Riker, a former CDL examiner argued that ''It is not advisable to allow a CDL permit holder to operate a vehicle without direct, front seat supervision. This is a basic design function incorporated since the inception of the CDL program. When you reduce this to the most basic level, CR England wishes to have their ''trainer'' on their break in the sleeper berth, sleeping, so they may be ready to drive when the student has run their hours out. How can that be construed as training if the instructor is sleeping or otherwise occupied and not directly observing and correcting the students behavior?'' All comments are available for review in the docket for this notice.

FMCSA Response and Decision

The premise of respondents opposing the exemption is that CLP holders lack experience and are safer drivers when observed by a CDL driver-trainer who is on duty and in the front seat of the vehicle. The fact is that CLP holders who have passed the CDL skills test are qualified and eligible to obtain a CDL. If these CLP holders had obtained their training and CLPs in their State of domicile, they could immediately obtain their CDL at the State driver licensing agency and begin driving a CMV without any on-board supervision. There is no quantitative data or other information that having a CDL holder accompany a CLP holder who has passed the skills test improves safety. Because these drivers have passed the CDL skills test, the only thing necessary to obtain the CDL is to apply at the Department of Motor Vehicles in their State of domicile.

FMCSA has evaluated C.R. England's application for exemption and the public comments. The Agency believes that C.R. England's overall safety performance as reflected in its

''satisfactory'' safety rating, will enable it to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). The exemption is restricted to C.R. England's CLP holders who have documentation that they have passed the CDL skills test. The exemption will enable these drivers to operate a CMV as a team driver without requiring the accompanying CDL holder be on duty and in the front seat while the vehicle is moving.

Terms and Conditions of the Exemption

Period of the Exemption

This exemption from the requirements of 49 CFR 383.25(a)(1) is effective during the period of June 11, 2015 through June 12, 2017. The exemption will expire on June 12, 2017, 11:59 p.m. local time, unless renewed.

Extent of the Exemption

The exemption is contingent upon C.R. England maintaining USDOT registration, minimum levels of public liability insurance, and not being subject to any ''imminent hazard'' or other out-of-service (OOS) order issued by FMCSA. Each driver covered by the exemption must maintain a valid driver's license and CLP with the required endorsements, not be subject to any OOS order or suspension of driving privileges, and meet all physical qualifications required by 49 CFR part 391.

Preemption

During the period this exemption is in effect, no State may enforce any law or regulation that conflicts with or is inconsistent with the exemption with respect to a person or entity operating under the exemption (49 U.S.C. 31315(d)).

FMCSA Accident Notification

C.R. England must notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of its CMVs while utilizing this exemption. The notification must be by email to *MCPSD@DOT.GOV,* and include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,

c. Driver's name and driver's license number,

d. Vehicle number and State license number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and

i. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

Termination

The FMCSA does not believe the CLP-holders covered by the exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions.

Issued on: June 3, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–14276 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0015; Notice 2]

Continental Tire the Americas, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Continental Tire the Americas, LLC, (CTA), has determined that certain Continental replacement passenger car tires do not fully comply with paragraph S5.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* CTA has filed an appropriate report dated January 7, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Abraham Diaz, Office of Vehicles Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. CTA's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), CTA submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the CTA's petition was published, with a 30-day public comment period, on April 16, 2015 in the **Federal Register** (80 FR 20570). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2015–0015.''

II. Tires Involved: Affected are approximately 116,500 Continental ExtremeContact DWS size 225/45R17 91W, Continental ExtremeContact DW size 225/45R17 91W and General G-Max AS–03 size 225/45R17 91W passenger car tires.

III. Noncompliance: CTA explains that the noncompliance is that due to mold labeling errors, the sidewall markings on the subject tires do not correctly describe the actual number of plies in the tread area of the tires as required by paragraph S5.5(f) of FMVSS No. 139. Specifically, the Continental ExtremeContact DWS size 225/45R17 91W tires were manufactured with ''Tread 4 Plies: 1 Polyester + 2 Steel + 1 Polyamide.'' The correct labeling and stamping should have been ''Tread 5 Plies: 1 Polyester + 2 Steel + 2 Polyamide.'' The Continental ExtremeContact DW size 225/45R17 91W tires were manufactured with ''Tread 4 Plies: 1 Polyester + 2 Steel + 1 Polyamide.'' The correct labeling and stamping should have been ''Tread 5 Plies: 1 Polyester + 2 Steel + 2 Polyamide.'' The General G-Max AS–03 size 225/45R17 91W tires were manufactured with ''Plies: Tread: 1 Polyester + 2 Steel + 1 Polyamide.'' The correct labeling and stamping should have been ''Plies: Tread: 1 Polyester + 2 Steel + 2 Polyamide.''

IV. Rule Text: Paragraph S5.5 of FMVSS No. 139 requires in pertinent part:

> S5.5 Tire Markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard . . .
>
> (f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different;

V. Summary of CTA's Analyses: CTA stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) CTA believes that the mislabeling of the number of plies on the subject tires has no impact on the operational performance of the subject tires or on the safety of vehicles on which these tires are to be mounted. CTA states that the subject tires also meet or exceed all of the performance requirements specified by FMVSS No. 139.

(B) CTA states that they are unaware of any accidents or injuries that have occurred as a result of this noncompliance.

(C) CTA states that NHTSA has previously granted similar petitions for Inconsequential Noncompliances in the past.

CTA has additionally informed NHTSA that it has corrected the subject noncompliance.

In summation, CTA believes that the described noncompliance of the subject tires is inconsequential to motor vehicle safety, and that its petition, to exempt CTA from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA's Decision

NHTSA's Analysis of CTA's Arguments: The agency agrees with CTA that the noncompliance is inconsequential to motor vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliance on the operational safety of the vehicles on which these tires are mounted. The safety of people working in the tire retread, repair and recycling industries must also be considered.

Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material to the tread and sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgement, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire.

The agency believes the noncompliance will have no measureable effect on the safety of tire retread, repair and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, since the tire sidewall is marked correctly for the number of steel plies, this potential safety concern does not exist.

NHTSA's Decision: In consideration of the foregoing, NHTSA has decided that CTA has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, CTA's petition is hereby granted and CTA is exempted from the obligation of providing notification of, and remedy for the subject noncompliance.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject tires that CTA no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after CTA notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–14252 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0040; Notice 1]

BMW of North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: BMW of North America, LLC, (BMW) a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2013 BMW 5 Series sedan passenger vehicles do not fully comply with paragraph S8.1.11 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment.* BMW has filed an appropriate report dated March 26, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 13, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the

close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. BMW's Petition

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of BMW's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved

Affected are approximately 13,899 MY 2013 BMW 5 Series sedan passenger cars manufactured between January 30, 2013 and June 28, 2013.

III. Noncompliance

BMW explains that the noncompliance is that some of the rear reflex reflectors on the affected vehicles do not fully conform to the minimum photometry performance required by paragraph S8.1.11 of FMVSS No. 108.

IV. Rule Text

Paragraph S8.1.11 of FMVSS No. 108 requires in pertinent part:

S8.1.11 *Photometry.* Each reflex reflector must be designed to conform to the photometry requirements of Table XVI–a when tested according to the procedure of S14.2.3 for the reflex reflector color as specified by this section.

V. Summary of BMW's Analyses

BMW used Ricco's Law to determine a minimum required reflection coefficient in its analysis. BMW chose Ricco's Law because they believe it best corresponds to the human physiological condition in which a light source of a given size and intensity is minimally capable (*i.e.* illumination threshold) of producing visual perception.

As such, BMW created a graph whereby the y-axis represented the reflection coefficient in units consistent with FMVSS No. 108. While the x-axis represented the distance between two vehicles in order to simulate the condition of an approaching vehicle and a parked or stopped vehicle.

BMW provided the graph to illustrate that even with parameters representing a ''worst-case scenario,'' sufficient visibility of the rear reflex reflectors of the affected vehicles exists.

BMW stated that it has not received any contacts from vehicle owners or other road users regarding issues related to the subject noncompliance and is also not aware of any accidents or injuries that have occurred as a result of this issue.

BMW has additionally informed NHTSA that it has corrected the noncompliance so that subsequent vehicle production will conform to paragraph 8.1.11 of FMVSS No. 108.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that BMW no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–14254 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0041; Notice 1]

Tireco, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Tireco, Inc., (Tireco) has determined that certain Tireco replacement tires do not fully comply with paragraph S6.5(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of More than 4,536 Kilograms (10,000 pounds) and Motorcycles*. Tireco has filed an appropriate report dated March 30, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

DATES: The closing date for comments on the petition is July 13, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were

received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. Tireco's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Tireco submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Tireco's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Tires Involved: Affected are approximately 1,600 Tireco brand Power King Traction size 8.25–20E/10, Power King Traction size 9.00–20 E/10, Milestar Traction size 8.25–20 E/10, and Milestar Traction size 9.00–20 E/10 replacement tires. These tires were manufactured between March 1, 2014 and March 22, 2015.

III. Noncompliance: Tireco explains that the noncompliance is that the Tire Information Numbers (TINs) required to be marked on the tire sidewalls by paragraph S6.5(b) of FMVSS No. 119 are incomplete because they do not include the tire size codes required by 49 CFR part 574.5(b).

IV. Rule Text: Paragraph S6.5 of FMVSS No. 119 requires in pertinent part:

S6.5 *Tire Markings.* Except as specified in this paragraph, each tire shall be marked on each sidewall with the information in paragraph (a) through (j) of this section. The markings shall be placed between the maximum section width (exclusive of sidewall decorations or curb ribs) and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area which is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, the markings shall appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings shall be in letters and numerals not less than 2 mm (0.078 inch) high and raised above or sunk below the tire surface not less than 0.4 mm (0.015 inch), except that the marking depth shall be not less than 0.25mm (0.010 inch) in the case of motorcycle tires. The tire identification and the DOT symbol labeling shall comply with part 574 of this chapter. Markings may appear on only one sidewall and the entire sidewall area may be used in the case of motorcycle tires and recreational, boat, baggage, and special trailer tires . . .

(b) The tire identification number required by part 574 of this chapter. This number may be marked on only one sidewall.

V. Summary of TIRECO's Analyses: Tireco state its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) Tireco believes that the absence of the tire size code from the TIN has no impact on the operational performance of the subject tires or on the safety of vehicles on which the subject tires are mounted because the subject tires meet or exceed all of the applicable performance requirements specified by FMVSS No. 119.

(B) Tireco states that even though the size code is absent from the TIN, the tire size information is readily available to consumers in a more understandable way by virtue of the actual tire size marking on the sidewalls.

(C) Tireco also states that in the unlikely event that any of the subject tires are ever found to contain a defect or a substantive noncompliance that would warrant a recall, the recalled tires could be adequately identified through the partial [T]IN that is stamped on the sidewall.

(D) Tireco referenced inconsequentiality petitions NHTSA has previously granted in the past that have addressed what it believes are similar issues.

Tireco is not aware of any crashes, injuries, customer complaints, or field reports associated with the subject noncompliance.

Tireco has additionally informed NHTSA that the fabricating manufacturer has corrected the molds at the manufacturing plant so that no additional tires will be manufactured with the noncompliance.

In summation, Tireco believes that the described noncompliance of the subject tires is inconsequential to motor vehicle safety, and that its petition, to exempt Tireco from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that Tireco no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Tireco notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–14256 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0125; Notice 1]

General Motors, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: General Motors, LLC, (GM) has determined that certain model year (MY) 2015 GMC multipurpose passenger vehicles (MPV) do not fully comply with paragraph S7.8.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment.* GM has filed an appropriate report dated November 5, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 13, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. GM's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), GM submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of GM's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Affected are approximately 51,616 MY 2015 GMC Yukon, Yukon Denali, Yukon XL, and Yukon XL Denali MPVs manufactured between September 19, 2013 and October 10, 2014. See GM's petition for additional details.

III. Noncompliance: GM explains that the noncompliance is that under certain conditions the parking lamps on the subject vehicles fail to meet the device activation requirements of paragraph S7.8.5 of FMVSS No. 108.

IV. Rule Text: Paragraph S7.8.5 of FMVSS No. 108, as detailed in Table I–a, requires in pertinent part that the activation of parking lamps must be ''Steady burning. Must be activated when the headlamps are activated in a steady burning state.''

V. Summary of GM's Analyses: GM stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) GM explains that the condition is difficult to create even in laboratory settings, let alone real-world driving conditions. GM also stated that they were only able to duplicate the condition under the following circumstances:

- The vehicle is being operated during the daytime with the master lighting switch in ''AUTO'' mode.
- The transmission is not in ''Park.''
- Three or more high-inrush current spikes that exceed the body control module (BCM) inrush current threshold occur on the parking lamp/DRL circuit within a period of 0.625 seconds. While there may be other methods for triggering these spikes (*e.g.,* a service event), GM has only been able to isolate one cause: Manually moving the master lighting control from ''AUTO'' to parking lamp (or headlamp), back to ''AUTO'' and back to parking lamp (or headlamp) within 0.625 seconds.

(B) GM believes that drivers are unlikely to cause these spikes during real-world driving. The subject vehicles are equipped with automatic-headlamp operation, so there is very little need for drivers to ever manually operate their vehicle's master lighting control. But even if a driver were inclined to do so, rapidly cycling a vehicle's master lighting control from ''AUTO'' to parking lamp (or headlamp) back to ''AUTO'' and back to parking lamp (or headlamp) in less than a second is a highly unusual maneuver that few (if any) drivers would ever attempt during normal vehicle operation.

(C) GM additionally explained that the condition is short-lived and that if the condition does occur any of the following routine operations will automatically correct the condition:

- Cycling the vehicle's ignition on and off with the master lighting control in auto mode.
- Turning the ignition off with the master lighting control in any mode other than auto, and then turning the ignition back on after a minimum of ten minutes.
- Cycling the master lighting control to off and then back to any on position.
- If the vehicle is in DRL mode, activating both turn signals, or shifting the transmission in and out of ''PARK.''

(D) GM mentions that while the condition affects the parking lamps and DRL's it does not affect the operation of the vehicle's other lamps.

(E) GM also cited a previous petition that NHTSA granted dealing with a noncompliance that GM believes is similar to the noncompliance that is the subject of its petition.

GM is not aware of any field incidents or warranty claims relating to the subject noncompliance.

GM has additionally informed NHTSA that it corrected the noncompliance in subsequent production of the subject vehicles.

In summation, GM believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt GM from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that GM no longer

controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–14255 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0052; Notice 1]

Goodyear Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Goodyear Tire & Rubber Company (Goodyear), has determined that certain Goodyear G316 LHT commercial truck trailer replacement tires do not fully comply with paragraph S6.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Radial Tires for motor vehicles with a GVWR of more than 4,536 Kilograms (10,000 pounds) and Motorcycles.* Goodyear has filed an appropriate report dated April 27, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 13, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. Goodyear's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Goodyear submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Goodyear's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Tires Involved: Affected are approximately 79 Goodyear G316 LHT size 295/75R22.5 commercial truck trailer replacement tires manufactured between March 22, 2015 and April 9, 2015.

III. Noncompliance: Goodyear explains that because the sidewall markings on the reference side of the subject tires incorrectly identify the number of plies as ''4 Plies Steel Cord'' instead of the actual number ''5 Plies Steel Cord,'' the tires do not meet the requirements of paragraph S6.5(f) of FMVSS No. 119.

IV. Rule Text: Paragraph S6.5 of FMVSS No. 119 requires in pertinent part:

S6.5 Tire Markings. Except as specified in paragraphs, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section . . .

(f) The actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area;

V. Summary of Goodyear's Analyses: Goodyear stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) Goodyear stated that the subject tires were manufactured as designed and meet or exceed all applicable FMVSS performance standards.

(B) Goodyear also stated that all of the sidewall markings related to tire service (load capacity, corresponding inflation pressure, etc.) are correct.

(C) Goodyear believes that the mislabeling of the subject tires is not a safety concern and also has no impact on the retreading, repairing, and recycling industries.

(D) Goodyear also pointed out that NHTSA has previously granted petitions for non-compliances in sidewall marking that it believes are similar to its petition.

Goodyear additionally informed NHTSA that the molds at the manufacturing plant have been corrected so that no additional tires will be manufactured or sold with the noncompliance.

In summation, Goodyear believes that the described noncompliance of the subject tires is inconsequential to motor vehicle safety, and that its petition, to exempt Goodyear from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the

defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that Goodyear no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Goodyear notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–14257 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0035; Notice 1]

McLaren Automotive, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: McLaren Automotive, Inc. ''McLaren'' has determined that certain MY 2012–2015 McLaren MP4 12–C Spider and Coupe passenger vehicles do not fully comply with paragraph S4.4(c)(2), of Federal Motor Vehicle Safety Standard (FMVSS) No. 138, *Tire Pressure Monitoring Systems.* McLaren has filed an appropriate report dated February 18, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 13, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. McLaren's Petition

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, McLaren submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of McLaren's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved

Affected are approximately 1,366 MY 2012–2015 McLaren MP4 12–C Spider and Coupe passenger vehicles manufactured from October 10, 2011 through February 18, 2014.

III. Noncompliance

McLaren explains that the Tire Pressure Monitoring System (TPMS) malfunction indicator illuminates as required by FMVSS No. 138 when a malfunction is first detected, however, if the malfunction is caused by an incompatible wheel, when the vehicle ignition is deactivated and then reactivated to the ''On'' (''Run'') position after a five-minute period, the malfunction indicator does not re-illuminate immediately as required. McLaren added, that the malfunction indicator in the subject vehicles will re-illuminate after a maximum of 40 seconds of driving at or above 23 mph.

Rule Text

Paragraph S4.4(c)(2) of FMVSS No. 138 requires in pertinent part:

S4.4—TPMS Malfunction.

(c) *Combination low tire pressure/TPMS malfunction telltale.* The vehicle meets the requirements of S4.4(a) when equipped with a combined Low Tire Pressure/TPMS malfunction telltale that:

(2) Flashes for a period of at least 60 seconds but no longer than 90 seconds upon detection of any condition specified in S4.4(a) after the ignition locking system is activated to the ''On'' (''Run'') position. After each period of prescribed flashing, the telltale must remain continuously illuminated as long as a malfunction exists and the ignition locking system is in the ''On'' (''Run'') position. This flashing and illumination sequence must be repeated each time the ignition locking system is placed in the ''On'' (''Run'') position until the situation causing the malfunction has been corrected . . .

V. Summary of McLaren's Analyses

McLaren stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) McLaren states that although the noncompliance arises because the malfunction indicator does not re-illuminate immediately after the vehicle is restarted, the unit will detect a malfunction and activate the TPMS malfunction indicator once the vehicle is moving above 23 mph for a maximum of 40 seconds and will remain illuminated for the rest of that ignition cycle, and subsequent ignition cycles. Thus, even in the presence of the noncompliance, drivers are warned of the malfunction in less than one minute of driving at or above normal urban speeds. McLaren submits that this brief pause before the malfunction indicator illuminates is inconsequential to motor vehicle safety.

(B) McLaren also states that if the TPMS fails to detect a compatible sensor, the TPMS indicator on the instrument cluster will display no value for the tire pressure at the affected wheel(s). This will also alert the driver to the fact that something is not functioning properly with the system, pending the illumination of the malfunction indicator.

(C) McLaren further states that with the exception of the subject noncompliance, all other aspects of the malfunction indicator and of the TPMS in general, are compliant with FMVSS No. 138.

(D) McLaren confirms that it has received no customer complaints about this condition.

McLaren has additionally informed NHTSA that they have corrected this noncompliance in all vehicles manufactured after February 18, 2014.

In summation, McLaren believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt McLaren from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that McLaren no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after McLaren notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–14258 Filed 6–10–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of One Entity and One Individual Pursuant to Executive Order 13219, as Amended

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one entity and one individual whose property and interests in property are being unblocked pursuant to Executive Order (E.O.) 13219 of June 26, 2001, as amended by E.O. 13304 of May 28, 2003.

DATES: The unblocking of property and interests in property and the removal of the entity and individual identified in this Notice from the List of Specially Designated Nationals and Blocked Persons (SDN List) is effective on June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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

Notice of OFAC Actions

OFAC, in consultation with the Department of State, has determined that circumstances no longer warrant inclusion of the following entity in the Annex to E.O. 13219, as amended by E.O. 13304, and on OFAC's SDN List, and that this entity will no longer be covered within the scope of the sanctions set forth in E.O. 13219, as amended by E.O. 13304:

Entity: PRIVREDNA BANKA SARAJEVO AD (a.k.a. PRIVREDNA BANKA AD SRPSKO SARAJEVO), Str Srpskih Ratnika br 14, 71420 Pale, Republika Srpska, Bosnia and Herzegovina; Dobroslava Jedevica 14, 71000 Pale, Republika Srpska, Bosnia and Herzegovina; Kralja Nikole Str 65, Srbinje/Foca, Republika Srpska, Bosnia and Herzegovina; Ljube Milanovica Str 12, Trebinje, Republika Srpska, Bosnia and Herzegovina; Filipa Kljajica Str 6, Zvornik, Republika Srpska, Bosnia and Herzegovina; 9/11 Str Zagrebacka, Belgrade 11000, Serbia; SWIFT/BIC PRSS BA 22 [BALKANS].

OFAC, in consultation with the Department of State, has determined that circumstances no longer warrant inclusion of the following individual on OFAC's SDN List and that this individual will no longer be covered within the scope of the sanctions set forth in E.O. 13219, as amended by E.O. 13304:

Individual: VRACAR, Milenko, Bosnia and Herzegovina; DOB 15 May 1956; POB Nisavici, Prijedor, Bosnia-Herzegovina (individual) [BALKANS].

The removal of the entity and individual listed above from the SDN List is effective as of June 11, 2015. All property and interests in property of these persons that are in or hereafter come within the United States or the possession or control of a United States person are no longer blocked pursuant to E.O. 13219, as amended by E.O. 13304.

Dated: June 4, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–14178 Filed 6–10–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

AGENCY: Department of the Treasury.

ACTION: Notice.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before July 13, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by emailing *PRA@treasury.gov* or viewing the entire information collection request at *www.reginfo.gov.*

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–0019.

Type of Review: Extension without change of a currently approved collection.

Title: Suspicious Activity Report by Securities and Futures Industries and 31 CFR 1026.320 and 1023.320.

Abstract: Treasury is requiring certain securities broker-dealers, futures commission merchants and introducing brokers in commodities to file suspicious activity reports. The administrative burden of one hour is assigned to maintain the regulatory requirement in force. The burden for actual reporting is reflected in OMB Control number 1506–0065.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 1.

OMB Number: 1506–0035.

Type of Review: Revision of a currently approved collection.

Title: Anti-Money Laundering Programs for Insurance Companies and Non-Bank Residential Mortgage Lenders and Originators.

Abstract: Regulations require insurance companies and non-bank residential mortgage lenders and originators to establish and maintain a written anti-money laundering program. A copy of the written program must be maintained for five years. See 31 CFR 1025.210 and 1029.210.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 32,200.

Dated: June 8, 2015.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–14280 Filed 6–10–15; 8:45 am]

BILLING CODE 4810–02–P

FEDERAL REGISTER

Vol. 80 Thursday,
No. 112 June 11, 2015

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 32
2015–2016 Refuge-Specific Hunting and Sport Fishing Regulations; Proposed Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

[Docket No. FWS–HQ–NWRS–2015–0029; FXRS12650900000–156–FF09R20000]

RIN 1018–BA57

2015–2016 Refuge-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to add 1 national wildlife refuge (NWR or refuge) to the list of areas open for hunting, add 4 NWRs to the list of areas open for fishing, increase the hunting activities available at 16 other NWRs, increase fishing opportunities at 1 NWR, and add pertinent refuge-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2015–2016 season.

DATES: We will accept comments received or postmarked on or before July 13, 2015.

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

- *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov*. Search for Docket No. FWS–HQ–NWRS–2015–0029, which is the docket number for this rulemaking. On the resulting screen, find the correct document and submit a comment by clicking on ''Comment Now!''
- *By hard copy:* Submit by U.S. mail or hand delivery: Public Comments Processing, Attn: FWS–HQ–NWRS–2015–0029, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Request for Comments section, below, for more information). For information on specific refuges' public use programs and the conditions that apply to them or for copies of compatibility determinations for any refuge(s), contact individual programs at the addresses/phone numbers given in Available Information for Specific Refuges under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brian Salem, (703) 358–2397.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966 closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that such uses are compatible with the purposes of the refuge and National Wildlife Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review refuge hunting and sport fishing programs to determine whether to include additional refuges or whether individual refuge regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to refuge-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of refuge purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations in part 32 (50 CFR part 32). We regulate hunting and sport fishing on refuges to:

- Ensure compatibility with refuge purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for quality fish- and wildlife-dependent recreation.

On many refuges where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined in the Statutory Authority section, below. We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish, seasons, bag or creel (container for carrying fish) limits, methods of hunting or sport fishing, descriptions of areas open to hunting or sport fishing, and other provisions as appropriate. You may find previously issued refuge-specific regulations for hunting and sport fishing in 50 CFR part 32. In this rulemaking, we are also proposing to standardize and clarify the language of existing regulations.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1997 [Improvement Act]) (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k-4) (Recreation Act) govern the administration and public use of refuges.

Amendments enacted by the Improvement Act built upon the Administration Act in a manner that provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are: Hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which

Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop refuge-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge and the Refuge System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges to the lists of areas open to hunting and sport fishing in 50 CFR part 32. We ensure continued compliance by the development of comprehensive conservation plans, specific plans, and by annual review of hunting and sport fishing programs and regulations.

Amendments to Existing Regulations

This document proposes to codify in the Code of Federal Regulations all of the Service's hunting and/or sport fishing regulations that we would update since the last time we published a rule amending these regulations (79 FR 14809; March 17, 2014) and that are applicable at Refuge System units previously opened to hunting and/or sport fishing. We propose this to better inform the general public of the regulations at each refuge, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to now finding these regulations in 50 CFR part 32, visitors to our refuges may find them reiterated in literature distributed by each refuge or posted on signs.

We cross-reference a number of existing regulations in 50 CFR parts 26, 27, 28, and 32 to assist hunting and sport fishing visitors with understanding safety and other legal requirements on refuges. This redundancy is deliberate, with the intention of improving safety and compliance in our hunting and sport fishing programs.

TABLE 1—CHANGES FOR 2015–2016 HUNTING/FISHING SEASON

Refuge/Region (*)	State	Migratory bird hunting	Upland game hunting	Big game hunting	Sport fishing
Ardoch NWR (6)	North Dakota	Closed	Closed	Closed	A.
Bayou Cocodrie NWR (4)	Louisiana	Already open	C	C/D	Already open.
Great River NWR (3)	Illinois and Missouri	Already open	C	C	Already Open.
Lake Alice NWR (6)	North Dakota	Already open	Already open	Already open	B.
Merritt Island NWR (4)	Florida	Already open	Closed	B	Already open.
Mingo NWR (3)	Missouri	Already open	Already open	D	Already open.
Minnesota Valley NWR (3)	Minnesota	Already open	D	Already open	Already open.
Missisquoi NWR (5)	Vermont	C/D	C/D	C/D	Already open.
Northern Tallgrass Prairie NWR (3).	Iowa and Minnesota	C/D	C/D	C/D	Closed.
Patoka River NWR and Management Area (3).	Indiana	C	C	C	C.
Prime Hook NWR (5)	Delaware	C	C/D	C	Already open.
Rose Lake NWR (6)	North Dakota	Closed	Closed	Closed	A.
Sacramento River NWR (8).	California	Already open	Already open	C/D	Already open.
St. Marks NWR (4)	Florida	Already open	C	C	Already open.
Seney NWR (3)	Michigan	C	C	C	Already open.
Silver Lake NWR (6)	North Dakota	Closed	Closed	Closed	A.
Swan Lake NWR (3)	Missouri	C/D	C/D	C/D	Already open.
Tualatin River NWR (1)	Oregon	A	Closed	Closed	Closed.
Two Rivers NWR (3)	Illinois and Missouri	C	Already Open	C	Already open.
Wallkill River NWR (5)	New Jersey and New York.	Already open	B	C/D	Already open.
William L. Finley NWR (1)	Oregon	Closed	Closed	D	Closed.

Key:
* number in () refers to the Region as explained in the preamble to this proposed rule for additional information regarding refuge specific regulations.
A = New refuge opened.
B = New activity on a refuge previously open to other activities.
C = Refuge already open to activity, but added new lands/waters or modified areas open to hunting or fishing.
D = Refuge already open to activity but added new species to hunt.

The changes for the 2015–16 hunting/fishing season noted in the chart above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination, and the appropriate National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) analysis, all of which were the subject of a public review and comment process. These documents are available upon request.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish consumption advisories on the Internet at: *http://www.epa.gov/waterscience/fish/*.

Plain Language Mandate

In this proposed rule, we propose some of the revisions to the individual

refuge units to comply with a Presidential mandate to use plain language in regulations; as such, these particular revisions do not modify the substance of the previous regulations. These types of changes include using ''you'' to refer to the reader and ''we'' to refer to the Refuge System, using the word ''allow'' instead of ''permit'' when we do not require the use of a permit for an activity, and using active voice (*i.e.,* ''We restrict entry into the refuge'' vs. ''Entry into the refuge is restricted'').

Request for Comments

You may submit comment and materials on this proposed rule by any one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by email or fax or to an address not listed in the **ADDRESSES** section. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post your entire comment on *http://www.regulations.gov*. Before including personal identifying information in your comment, you should be aware that we may make your entire comment—including your personal identifying information—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. We will post all hardcopy comments on *http://www.regulations.gov*.

Public Comment

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. The process of opening refuges is done in stages, with the fundamental work being performed on the ground at the refuge and in the community where the program is administered. In these stages, the public is given other opportunities to comment, for example, on the comprehensive conservation plans and the compatibility determinations. The second stage is this document, when we publish the proposed rule in the **Federal Register** for additional comment, commonly for a 30-day comment period.

There is nothing contained in this proposed rule outside the scope of the annual review process where we determine whether individual refuges need modifications, deletions, or additions made to them. We make every attempt to collect all of the proposals from the refuges nationwide and process them expeditiously to maximize the time available for public review. We believe that a 30-day comment period, through the broader publication following the earlier public involvement, gives the public sufficient time to comment and allows us to establish hunting and fishing programs in time for the upcoming seasons. Many of these rules would also relieve restrictions and allow the public to participate in recreational activities on a number of refuges. In addition, in order to continue to provide for previously authorized hunting opportunities while at the same time providing for adequate resource protection, we must be timely in providing modifications to certain hunting programs on some refuges.

We considered providing a 60-day, rather than a 30-day, comment period. However, we determined that an additional 30-day delay in processing these refuge-specific hunting and sport fishing regulations would hinder the effective planning and administration of our hunting and sport fishing programs. Such a delay would jeopardize enacting amendments to hunting and sport fishing programs in time for implementation this year and/or early next year, or shorten the duration of these programs.

Even after issuance of a final rule, we accept comments, suggestions, and concerns for consideration for any appropriate subsequent rulemaking.

When finalized, we will incorporate these regulations into 50 CFR part 32. Part 32 contains general provisions and refuge-specific regulations for hunting and sport fishing on refuges.

Clarity of This Rule

Executive Orders 12866 and 12988 and the Presidential Memorandum of June 1, 1998, require us to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule adds 1 NWR to the list of refuges open to hunting and increases hunting activities on 16 additional NWRs. It adds 4 NWRs to the list of refuges open to fishing and increases fishing activities at 1 additional NWR. As a result, visitor use

for wildlife-dependent recreation on these NWRs will change. If the refuges establishing new programs were a pure addition to the current supply of such activities, it would mean an estimated increase of 16,266 user days (one person per day participating in a recreational opportunity, Table 2). Because the participation trend is flat in these activities since 1991, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED CHANGE IN RECREATION OPPORTUNITIES IN 2015/2016

[Dollars in thousands]

Refuge	Additional days	Additional expenditures
Ardoch	150	$6.2
Bayou Cocodrie	60	2.3
Great River	185	7.2
Lake Alice	6,442	266.7
Merritt Island	1,350	52.5
Mingo	0	.....
Minnesota Valley	64	2.5
Missisquoi	665	25.9
Northern Tallgrass Prairie	125	4.9
Patoka River	1,112	45.5
Prime Hook	336	13.1
Rose Lake	502	20.8
Sacramento River	250	9.7
St. Marks	1,000	38.9
Seney	0	.....
Silver Lake	2,244	92.9
Swan Lake	1,320	51.4
Tualatin River	224	8.7
Two Rivers	195	7.6
Wallkill River	30	1.2
William L. Finley	12	0.5
Total	16,266	658.5

To the extent visitors spend time and money in the area of the refuge that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2011 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System yields approximately $658,500 in recreation-related expenditures (Table 2). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.27) derived from the report ''Hunting in America: An Economic Force for Conservation'' and for fishing activities (2.40) derived from the report ''Sportfishing in America'' yields a total economic impact of approximately $1.55 million (2014 dollars) (Southwick Associates, Inc., 2012). Using a local impact multiplier would yield more accurate and smaller results. However, we employed the national impact multiplier due to the difficulty in developing local multipliers for each specific region.

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending would be ''new'' money coming into a local economy; therefore, this spending would be offset with a decrease in some other sector of the local economy. The net gain to the local economies would be no more than $1.55 million, and most likely considerably less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns would not add new money into the local economy and, therefore, the real impact would be on the order of about $310,000 annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait and tackle shops, and similar businesses) may be impacted from some increased or decreased refuge visitation. A large percentage of these retail trade establishments in the local communities around NWRs qualify as small businesses (Table 3). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect approximately $310,000 to be spent in total in the refuges' local economies. The maximum increase at most would be less than one-tenth of 1 percent for local retail trade spending (Table 3).

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2015/2016

[Thousands, 2014 dollars]

Refuge/county(ies)	Retail trade in 2007	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2012	Establ. with <10 emp in 2012
Ardoch					
Walsh, ND	$112,752	$6.2	0.006	58	40
Bayou Cocodrie					
Concordia, LA	222,552	2.3	0.001	83	60
Great River					
Adams, IL	1,059,889	1.4	<0.001	300	202
Pike, IL	155,819	1.4	0.001	53	36
Clark, MO	101,269	1.4	0.001	35	28
Shelby, MO	56,054	1.4	0.003	35	25
Lewis, MO	67,717	1.4	0.002	30	20
Lake Alice					
Ramsey, ND	267,463	266.7	0.100	80	56
Merritt Island					
Brevard, FL	7,528,790	26.3	<0.001	1,956	1,443
Volusia, FL	6,964,692	26.3	<0.001	1,871	1,412
Minnesota Valley					
Carver, MN	921,566	0.4	<0.001	209	132
Dakota, MN	5,896,056	0.4	<0.001	1,132	689
Hennepin, MN	25,437,206	0.4	<0.001	4,209	2,657
Le Sueur, MN	235,446	0.4	<0.001	84	58
Scott, MN	1,335,522	0.4	<0.001	323	215
Sibley, MN	86,154	0.4	<0.001	54	39
Missisquoi					
Franklin, VT	622,657	12.9	0.002	197	129
Orleans, VT	370,098	12.9	0.003	147	110
Northern Tallgrass Prairie					
Dickinson, IA	291,367	0.5	<0.001	111	85
Kossuth, IA	223,589	0.5	<0.001	93	69
Clay, MN	719,600	0.5	<0.001	163	97
Kittson, MN	47,141	0.5	0.001	30	21
Murray, MN	53,206	0.5	0.001	43	34
Rock, MN	124,588	0.5	<0.001	42	31
Otter Tail, MN	804,419	0.5	<0.001	261	201
Lincoln, MN	60,635	0.5	0.001	38	29
Stevens, MN	194,164	0.5	<0.001	50	32
Patoka River					
Gibson, IN	505,351	22.8	0.005	122	84
Pike, IN	63,864	22.8	0.036	31	23
Prime Hook					
Sussex, DE	3,401,815	13	<0.001	1,107	789
Rose Lake					
Nelson, ND	27,841	20.8	0.075	19	15
Sacramento River					
Tehama, CA	839,653	2.4	<0.001	153	118
Glenn, CA	232,872	2.4	0.001	73	58
Butte, CA	2,740,982	2.4	<0.001	723	517
Colusa, CA	238,107	2.4	0.001	59	45
Saint Marks					
Wakulla, FL	191,471	13.0	0.007	62	49
Jefferson, FL	101,289	13.0	0.013	43	35
Taylor, FL	236,429	13.0	0.005	86	67
Silver Lake					
Benson, ND	22,991	46.46	0.202	9	7
Ramsey, ND	267,463	46.46	0.017	80	56
Swan Lake					
Bates, MO	154,620	10.3	0.007	59	47
Cedar, MO	136,878	10.3	0.008	48	34
Chariton, MO	59,162	10.3	0.017	41	32
Henry, MO	324,554	10.3	0.003	115	88
St. Claire, MO	73,925	10.3	0.014	34	21
Tualatin River					
Washington, OR	9,995,463	8.7	<0.001	1,594	1,002
Two Rivers					
Calhoun, IN	25,469	7.6	0.030	15	9
Wallkill River					
Sussex, NJ	1,966,557	0.2	<0.001	414	299
Orange, NY	6,541,423	0.2	<0.001	1,503	1,017

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2015/2016—Continued

[Thousands, 2014 dollars]

Refuge/county(ies)	Retail trade in 2007	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2012	Establ. with <10 emp in 2012
William L. Finley					
Benton, OR	782,306	0.2	<0.001	262	184
Linn, OR	1,323,264	0.2	<0.001	339	247

With the small change in overall spending anticipated from this proposed rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected refuges. Therefore, we certify that this proposed rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). An initial regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Small Business Regulatory Enforcement Fairness Act

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Would not have an annual effect on the economy of $100 million or more. The minimal impact would be scattered across the country and would most likely not be significant in any local area.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule would have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs would occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost would be small. We do not expect this proposed rule to affect the supply or demand for hunting opportunities in the United States and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule represents only a small proportion of recreational spending at NWRs. Therefore, this rule would have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

Unfunded Mandates Reform Act

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This rule would affect only visitors at NWRs and describe what they can do while they are on a refuge.

Federalism (E.O. 13132)

As discussed in the Regulatory Planning and Review and Unfunded Mandates Reform Act sections, above, this proposed rule would not have sufficient federalism summary impact statement implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this proposed rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. The rule would clarify established regulations and result in better understanding of the regulations by refuge visitors.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this proposed rule would add a new hunt at 1 NWR, increase hunting activities at 16 other NWRs, add fishing to 4 NWRs, and increase fishing opportunities at 1 NWR, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on NWRs with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

Paperwork Reduction Act

This regulation does not contain any information collection requirements other than those already approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and assigned OMB Control Numbers 1018–0102 (expires June 30, 2017), 1018–0140 (expires May 31, 2015), and 1018–0153 (expires 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.

Endangered Species Act Section 7 Consultation

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing Comprehensive Conservation Plans and step-down management plans—which would include hunting and/or fishing plans—for public use of refuges, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. We have completed section 7 consultation on each of the affected refuges.

National Environmental Policy Act

We analyzed this proposed rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of proposed amendments to refuge-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (43 CFR 46.120).

Prior to the addition of a refuge to the list of areas open to hunting and fishing in 50 CFR part 32, we develop hunting and fishing plans for the affected refuges. We incorporate these proposed refuge hunting and fishing activities in the refuge Comprehensive Conservation Plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these Comprehensive Conservation Plans and step-down plans in compliance with section 102(2)(C) of NEPA, and the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500–1508. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the refuges at the addresses provided below.

Available Information for Specific Refuges

Individual refuge headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge, contact the appropriate Regional office listed below:

Region 1—Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE. 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Albuquerque, NM 87103; Telephone (505) 248–6937.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; Telephone (612) 713–5360.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7166.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8307.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–8145.

Region 7—Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

Region 8—California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 414–6464.

Primary Author

Brian Salem, Division of Conservation Planning and Policy, National Wildlife Refuge System is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting, and recordkeeping requirements, Wildlife, Wildlife refuges.

Proposed Regulation Promulgation

For the reasons set forth in the preamble, we propose to amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—[AMENDED]

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

■ 2. Amend § 32.7 by:
■ a. Adding an entry for ''Iowa Wetland Management District'' and placing it in alphabetical order in the State of Iowa;
■ b. Adding an entry for ''Wallkill National Wildlife Refuge'' and placing it in alphabetical order in the State of New York;
■ c. Adding an entry for ''Ardoch National Wildlife Refuge'' and placing it in alphabetical order in the State of North Dakota;
■ d. Adding an entry for ''Rose Lake National Wildlife Refuge'' and placing it in alphabetical order in the State of North Dakota;
■ e. Adding an entry for ''Silver Lake National Wildlife Refuge'' and placing it in alphabetical order in the State of North Dakota; and
■ f. Adding an entry for ''Tualatin River National Wildlife Refuge'' and placing it in alphabetical order in the State of Oregon.
■ 3. Amend § 32.20 by:
■ a. Revising the introductory text of paragraph B; removing paragraph C.6; and revising paragraphs B.1, B.2, B.3, B.5, B.6, B.7, B.8, B.9, B.10, C.2, C.3, C.4, C.5, D.1, and D.2 under Choctaw National Wildlife Refuge.
■ b. Adding paragraphs A.16 and A.17; removing paragraph B.5; and revising paragraphs A.3, A.9, A.15, B.1, C.1 and D.1 under Eufaula National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.20 Alabama.

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Choctaw National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of squirrel and rabbit on

designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit hunting within 100 yards (91.4 meters) of the fenced-in refuge work center area, designated hiking trails, and refuge boats ramps.

2. We prohibit leaving unattended personal property, including, but not limited to, boats or vehicles of any type, geocaches, and cameras, overnight on the refuge (see § 27.93 of this chapter). We prohibit marking trees and using flagging tape, reflective tacks, and other similar marking devices.

3. Hunters may take incidental species (coyote, beaver, nutria, and feral hog) during any hunt with those weapons legal during those hunts as defined by the State of Alabama. Persons may only use approved nontoxic shot in shotgun shells (see § 32.2(k)), .22 caliber rimfire or smaller rifles, or legal archery equipment according to State regulations. We prohibit use of magnum ammunition, including .22 caliber magnum and .17 Hornady Magnum Rimfire (HMR), for hunting.

* * * * *

5. All persons age 15 or younger, while hunting on the refuge, must be in the presence and under direct supervision of a licensed or exempt hunter at least age 21. A licensed hunter supervising a youth as provided in this section must hold a valid State license for the species being hunted. One adult may supervise no more than two youth hunters.

6. The refuge is open daily from 1 hour before legal sunrise to 1 hour after legal sunset. Personal property must be removed from the refuge daily (see § 27.93 of this chapter).

7. We require all hunters to record hours hunted and all harvested game on the Upland Game Hunt Report (FWS Form 3–2362) at the conclusion of each day at one of the refuge check stations.

8. Persons possessing, transporting, or carrying firearms on the refuge must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

9. We prohibit equestrian use, domestic livestock, and all forms of motorized off-road vehicles.

10. We allow hunting with unleashed dogs for squirrel and rabbit only.

* * * * *

C. Big Game Hunting. * * *

* * * * *

2. Deer hunters may place portable stands on the refuge for use while deer hunting only during the open deer season. All stands must be clearly labeled with the name, address, and phone number. When not in use and left on the refuge overnight, stands must be placed in a non-hunting position at ground level.

3. While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on the refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to the Tree Stand Manufacturers Association's standards.

4. We prohibit damaging trees, including driving or screwing any metal object into a tree or hunting from a tree in which a metal object has been driven or screwed to support a hunter (see § 32.2(i)). Other than deer stands, all personal property must be removed from the refuge each day (see § 27.93 of this chapter).

5. We prohibit hunting by aid or distribution of any feed, salt, scent attractant, or other mineral at any time (see § 32.2(h)).

D. Sport Fishing. * * *

1. We allow fishing year-round, except in the waterfowl sanctuary area as depicted within the refuge brochure. The waterfowl sanctuary is closed to fishing from November 15 through March 1.

2. Conditions B2, B4, B6, B8, B9, and C4 apply.

* * * * *

Eufaula National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

* * * * *

3. All youth hunters (ages 10 through 15) must remain within sight and normal voice contact of a properly licensed hunting adult age 21 or older. Youth hunters must possess and carry verification of passing a State-approved hunter education course. One adult may supervise no more than two youth hunters.

* * * * *

9. We allow access to the refuge for hunting from 1½ hours before legal sunrise to 1½ hours after legal sunset.

* * * * *

15. We prohibit the use of all air-thrust boats, including airboats, aircraft, boats with secondary fans, and hovercraft.

16. We prohibit the use of personal watercraft or air-cooled propulsion engines outside of marked navigation channels.

17. We prohibit the mooring or storing of boats from 1½ hours after legal sunset to 1½ hours before legal sunrise.

B. Upland Game Hunting. * * *

1. Conditions A1, A2, A3, and A7 through A17 apply.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1 and A7 through A17 apply.

* * * * *

D. Sport Fishing. * * *

1. Conditions A15 through A17 apply.

* * * * *

■ 4. Amend § 32.22 by:

■ a. Revising paragraphs D.4 and D.5 under Bill Williams National Wildlife Refuge.

■ b. Revising paragraph D.6 under Havasu National Wildlife Refuge.

The revisions read as follows:

§ 32.22 Arizona.

* * * * *

Bill Williams National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

4. The nonmotorized watercraft launch and Central Arizona Project (CAP) peninsula are day-use only areas and are open from ½ hour before legal sunrise to ½ hour after legal sunset. We allow fishing and the launching of watercraft at these and other areas 24 hours a day.

5. We prohibit the possession or consumption of open containers of alcohol or the possession of glass beverage containers in improved areas, including the nonmotorized watercraft launch and the CAP peninsula.

* * * * *

Havasu National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

6. The following apply to the improved areas within Havasu NWR. Improved areas consist of the Mesquite Bay areas, Castle Rock, the Diving Cliffs, Catfish Paradise, Five Mile Landing and North Dike.

i. We prohibit entry of all motorized watercraft in all three bays of the Mesquite Bay area as indicated by signs or regulatory buoys.

ii. Improved areas are day-use only and are open from ½ hour before legal sunrise to ½ hour after legal sunset. Fishing and the launching of watercraft are permitted at these and other areas 24 hours a day.

iii. We prohibit the possession or consumption of open containers of alcohol or the possession of glass beverage containers in improved areas.

* * * * *

■ 5. Amend § 32.23 by:

■ a. Revising the introductory text of paragraphs B and C; redesignating paragraphs C.6, C.7, C.8, C.9, C.10, C.11,

C.12, C.13, C.14, C.15, C.16, and C.17 as C.7, C.8, C.9, C.10, C.11, C.12, C.13, C.14, C.15, C.16, C.17, and C.18, respectively; revising newly designated paragraphs C.9 and C.18; revising paragraphs A.2, A.3, A.4, A.6, A.10, A.16, A.22, B.1, B.3, B.4, B.8, C.1, and D.1; and adding paragraph C.6 under Bald Knob National Wildlife Refuge.

■ b. Revising paragraph B.15 under Big Lake National Wildlife Refuge.

■ c. Revising the introductory text of paragraphs B and C; revising paragraphs A.2, A.3, A.4, A.9, A.22, B.1, B.2, B.3, B.4, B.5, B.7, C.1, C.2, C.3, C.4, C.5, C.6, C.7, C.8, and D.1; and adding paragraph A.24 under Cache River National Wildlife Refuge.

■ d. Revising the introductory text of paragraph C; revising paragraphs A.6, A.7, A.9, A.17, B.1, C.1, C.15, and D.1; and adding paragraphs A.21 and C.17 under Felsenthal National Wildlife Refuge.

■ e. Revising the introductory text of paragraph C; revising paragraphs A.3, A.6, A.7, A.9, A.13, A.17, B.1, and C.1; redesignating paragraphs C.8, C.9, C.10, and C.11 as C.9, C.10, C.11, and C.12, respectively; and adding paragraphs A.23, B.6, C.8, and C.13 under Overflow National Wildlife Refuge.

■ f. Revising the introductory text of paragraph C; revising paragraphs A.4, A.5, A.7, A.15, A.17, B.3, C.2, C.4, C.7, C.12, C.17, and D.2; and adding paragraphs A.24, A.25, A.26, A.27, A.28, A.29, A.30, A.31, C.19, and C.20 under Pond Creek National Wildlife Refuge.

■ g. Removing paragraph D.2; redesignating paragraphs B.5, B.6, B.7, B.8, B.9, D.3, D.4, D.5, D.6, D.7, and D.8 as B.6, B.7, B.8, B.9, B.10, D.2, D.3, D.4, D.5, D.6 and D.7, respectively; revising the introductory text of paragraph D; revising paragraphs A.10, B.1, B.4, C.1, C.4, and D.1; and adding paragraphs A.12 and B.5 under Wapanocca National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.23 Arkansas.

* * * * *

Bald Knob National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We prohibit migratory game bird hunting in the Farm Unit during the Quota Gun Deer Hunt.

3. With the exception of hunting for woodcock, we prohibit migratory game bird hunting after 12 p.m. (noon) during the regular State waterfowl hunting season.

4. We allow hunting for woodcock daily throughout the State seasons.

* * * * *

6. You may possess only approved nontoxic shot shells for hunting while in the field (see § 32.2(k)) in quantities of 25 or fewer. The possession limit includes shells located in/on vehicles and other personal equipment. The field possession limit for shells does not apply to goose hunting during the State Conservation Order.

* * * * *

10. Boats with the owner's name and address permanently displayed or displaying valid registration may be left on the refuge from March 1 through October 31. We prohibit the use of boats from 12 a.m. (midnight) to 4 a.m. during duck season.

* * * * *

16. Any hunter born after 1968 must carry a valid hunter education card. An adult at least age 21 must supervise hunters under age 16 and remain within sight and normal voice contact with the youth. Hunters under age 16 do not need to have a hunter education card if they are under the direct supervision (within arm's reach) of an adult (at least age 21) holder of a valid hunting license. An adult may supervise up to two youths for migratory bird and upland game hunting but may supervise only one youth for big game hunting. We will honor home State hunter education cards.

* * * * *

22. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)) and open alcohol containers on refuge roads, all-terrain vehicles (ATV) trails, boat ramps, observation platforms, and parking areas.

* * * * *

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following special conditions:

1. Conditions A1, A6, A11 through A13, and A17 through A23 apply.

* * * * *

3. We allow squirrel hunting September 1 through February 28 on the Mingo Creek Unit and on the Farm Unit, except for season closure on the Farm Unit during the Quota Gun Deer Hunt. We allow dogs.

4. We allow rabbit hunting in accordance with the State season on the Mingo Creek Unit and on the Farm Unit, except for season closure on the Farm Unit during the Quota Gun Deer Hunt. We allow dogs.

* * * * *

8. Hunters may take beaver, muskrat, nutria, armadillo, and coyote during any refuge hunt with those weapons legal during those hunts, subject to State seasons.

* * * * *

C. Big Game Hunting. We allow hunting of deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A6, A11 through A13, A17 through A23, and B8 through B12 apply.

* * * * *

6. You may take feral hog during the refuge muzzleloader or Quota Gun Deer Hunt with those weapons legal during those hunts.

* * * * *

9. Immediately record the zone 002 on your hunting license and check all harvested game according to State regulations.

* * * * *

18. We close waterfowl sanctuaries to all entry and hunting from November 15 to February 28, except for Quota Gun Deer Hunt permit holders who may hunt in the sanctuary when the season overlaps with these dates.

D. Sport Fishing. * * *

1. Conditions A11, A19 through A23, B11, and C18 apply.

* * * * *

Big Lake National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

15. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)) or open alcohol containers on refuge roads, all-terrain vehicles (ATV) trails, boat ramps, parking areas, fishing piers, observation decks, and photo blinds.

* * * * *

Cache River National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We prohibit migratory game bird hunting in the Farm Unit during the Quota Gun Deer Hunt.

3. With the exception of hunting for woodcock, we prohibit migratory game bird hunting after 12 p.m. (noon) during the regular State waterfowl hunting season.

4. We allow hunting for woodcock daily throughout the State seasons.

* * * * *

9. Boats with the owner's name and address permanently displayed or displaying valid registration may be left on the refuge from March 1 through October 31. We prohibit boats on the

refuge from 12 a.m. (midnight) to 4 a.m. during duck season.

* * * * *

22. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)) or open alcohol containers on refuge roads, all-terrain vehicles (ATV) trails, boat ramps, observation platforms, and parking areas.

* * * * *

24. We prohibit vehicles and ATVs to be left unattended overnight.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A6, A10 through A12, and A16 through A24 apply.

2. We allow squirrel hunting September 1 through February 28 except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

3. Rabbit season corresponds with the State season except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

4. Quail season corresponds with the State season except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

5. We allow hunting of raccoon and opossum with dogs. We require dogs for hunting of raccoon/opossum at night. We provide annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

* * * * *

7. You may take beaver, muskrat, nutria, armadillo, and coyote during any refuge hunt with those weapons legal during those hunts.

* * * * *

C. Big Game Hunting. We allow hunting of deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A6, A10 through A12, A16 through A24, B6 through B9, B11, and B12 apply.

2. Archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season except for refuge-wide season closure during the Quota Gun Deer Hunt. We provide annual season dates and bag limits in the refuge hunting brochure/permit.

3. Muzzleloader hunting season for deer will begin in October and will continue for a period of up to 9 days with annual season dates and bag limits provided on the hunt brochure/permit.

4. Modern gun deer hunting will begin in November and continue for a period of up to 11 days with annual season dates and bag limits provided in the refuge hunt brochure/permit.

5. You may take feral hog during refuge muzzleloader or Quota Gun Deer Hunt with those weapons legal during those hunts.

6. The fall archery/crossbow hunting season for turkey will begin on the opening day of the State season and continue throughout the State season on refuge lands that are located within the State fall archery/crossbow turkey zone except for refuge-wide season closure during the Quota Gun Deer Hunt. We do not open for fall gun hunting for turkeys.

7. The spring gun hunt for turkey will begin on the opening day of the State season and continue throughout the State season on all refuge lands located south of Interstate 40. The remainder of the refuge is closed with the exception of those refuge lands included in the combined Black Swamp Wildlife Management Area/Cache River National Wildlife Refuge quota permit hunts administered by the Arkansas Game and Fish Commission.

8. Immediately record the zone 095 on your hunting license and check all harvested game according to State regulations.

* * * * *

D. Sport Fishing. * * *

1. Conditions A10, A18, A20, A22 through A24, and B11 apply.

* * * * *

Felsenthal National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

6. No person will use the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation (see § 27.97 of this chapter).

7. Hunters must possess and carry a signed Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

* * * * *

9. We prohibit marking trails with tape, ribbon, paint, or any other substance or material.

* * * * *

17. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. There is no bag limit. You may not transport or possess live hog.

* * * * *

21. We prohibit leaving any boat on the refuge.

B. Upland Game Hunting. * * *

1. Conditions A4 through A18, A20, and A21 apply.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A6 through A11, A13 through A18, A20, and A21 apply.

* * * * *

15. We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

* * * * *

17. We allow the taking of feral hogs on the refuge only during the Muzzleloader and Modern Gun Quota Permit Deer Hunts and with weapons and ammunition allowed for that hunt. There is no bag limit. You may not transport or possess live hog.

D. Sport Fishing. * * *

1. Conditions A6, A8, A9, A13, A16, A18, and A21 apply.

* * * * *

Overflow National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

* * * * *

3. We allow only portable blinds. Hunters must remove portable blinds, boats, and decoys from the hunt area by 1:30 p.m. each day (see § 27.93 of this chapter).

* * * * *

6. No person will use the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation (see § 27.97 of this chapter).

7. You must possess and carry a Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

* * * * *

9. We prohibit marking trails with tape, ribbon, paint, or any other substance or material.

* * * * *

13. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify those trails and the dates that they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement

size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 centimeters). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic respectively) as a mode of transportation for on-refuge, hunting activities.

* * * * *

17. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition legal for that hunt. There is no bag limit. We prohibit transportation or possession of live hog.

* * * * *

23. We prohibit leaving any boat on the refuge.

B. Upland Game Hunting. * * *

1. Conditions A4 through A17, A19, and A23 apply.

* * * * *

6. Overflow National Wildlife Refuge is a day-use area only, except while raccoon and opossum hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A5 through A11, A13 through A17, A19, and A23 apply.

* * * * *

8. The refuge will conduct no more than one quota permit youth spring turkey gun hunt. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants on these hunts to those selected for a quota permit, except that one nonhunting adult age 21 or older and possessing a valid hunting license must accompany a youth hunter.

* * * * *

13. We allow the taking of feral hogs on the refuge only during the Muzzleloader Hunt and with weapons and ammunition allowed for that hunt. There is no bag limit. You may not transport or possess live hogs.

* * * * *

Pond Creek National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

4. No person will use the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation (see § 27.97 of this chapter).

5. You must possess and carry a Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

* * * * *

7. We prohibit marking trails with tape, ribbon, paint, or any other substance or material (see § 27.93 of this chapter).

* * * * *

15. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. We prohibit the use of dogs to take these species. There is no bag limit. You may not transport or possess live hog.

* * * * *

17. We allow the use of retriever dogs during the refuge waterfowl season.

* * * * *

24. We prohibit camping on the refuge while hunting off of the refuge.

25. We prohibit fires outside of campgrounds.

26. We prohibit taking or possessing turtles or mollusks (see § 27.51 of this chapter).

27. We prohibit possession or use of fireworks.

28. We prohibit geocaching.

29. We prohibit searching for or removing any object of antiquity including arrowheads, pottery, or other artifacts.

30. We prohibit firearms, including State-permitted concealed carry handguns, in all refuge buildings.

31. We prohibit horses and mules off the open all-terrain vehicle (ATV)/utility-type vehicles (UTV) trails and main gravel roads.

B. Upland Game Hunting. * * *

3. Conditions A4 through A16, A18, and A24 through A31 apply.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

2. Conditions A4 through A9, A11 through A16, A18, and A24 through A31 apply.

* * * * *

4. We allow muzzleloader deer hunting for the first 5 days of the early State muzzleloader season for this deer management zone. The bag limit for the refuge muzzleloader hunt is two deer, with no more than one buck.

* * * * *

7. The quota Gun Deer Hunt bag limit is two deer, with no more than one buck (one buck and one doe). Exception: Youth hunters participating in the refuge youth deer hunt and hunters participating in the refuge mobility-impaired hunt may harvest the legal State bag limit without antler restrictions.

* * * * *

12. You may use only portable deer stands erected no sooner than 2 days before the opening of the State deer season, and you must remove them no later than January 31 each year (see § 27.93 of this chapter).

* * * * *

17. We prohibit conducting or participating in deer drives.

* * * * *

19. We prohibit hunting from an area where a shooting lane has been cut.

20. We allow the taking of feral hogs on the refuge only during the Muzzleloader and Modern Gun Quota Permit Deer Hunts and with weapons and ammunition allowed for that hunt. There is no bag limit. You may not transport or possess live hogs.

D. Sport Fishing. * * *

2. Conditions A4 through A16 and A18 through A31 apply.

* * * * *

Wapanocca National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

10. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)) and open alcohol containers on refuge roads, all-terrain vehicle (ATV) trails, boat ramps, parking areas, fishing piers, observation decks, and photo blinds.

* * * * *

12. Roundpond and Pigmon Units are closed to all migratory bird hunting.

B. Upland Game Hunting. * * *

1. Conditions A1 through A12 apply.

* * * * *

4. You may take nutria, beaver, and coyote during any refuge hunt with those weapons legal during those hunts, subject to State seasons.

5. You may take feral hog only during the refuge Quota Gun Deer Hunt.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1 through A12, B4, B5, and B7 through B10 apply.

* * * * *

4. Immediately record the deer zone 640 on the hunter's license and check deer according to State regulations.

* * * * *

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A3, A5, A9 through A11, B7, and B8 apply. We allow fishing from March 1 through October 31 from

½ hour before legal sunrise to ½ hour after legal sunset.

* * * * *

■ 6. Amend § 32.24 by:

■ a. Revising paragraph A, revising the introductory text of paragraph C, and revising paragraphs C.2 and D under Clear Lake National Wildlife Refuge.

■ b. Revising paragraphs A and B under Colusa National Wildlife Refuge.

■ c. Revising paragraphs A, B.1, and B.2 under Delevan National Wildlife Refuge.

■ d. Revising paragraphs A and B under Lower Klamath National Wildlife Refuge.

■ e. Revising paragraphs A, B.1, and B.2. under Sacramento National Wildlife Refuge.

■ f. Revising paragraphs A, B.2, C, D.1, and D.2 under Sacramento River National Wildlife Refuge.

■ g. Revising paragraphs A and B under Sutter National Wildlife Refuge.

■ h. Revising paragraphs A and B under Tule Lake National Wildlife Refuge.

The revisions read as follows:

§ 32.24 California.

* * * * *

Clear Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. We allow waterfowl hunting on designated areas of the refuge 7 days per week during the State regulated season.

2. You may hunt from the shoreline only.

3. No boats of any kind may be used while conducting waterfowl hunting activities.

* * * * *

C. Big Game Hunting. We allow hunting of pronghorn antelope only on the controlled ''U'' Unit of the refuge in accordance with State laws and regulations and subject to the following conditions:

* * * * *

2. We allow access to the unit only through the designated entrance on Clear Lake Road (also known as County Road 136), 4 miles east of the southwest refuge identification sign.

D. Sport Fishing. [Reserved]

Colusa National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a State of California Department of Fish and Wildlife entry permit from the check station prior to entering the hunt area.

2. You must return the State of California Department of Fish and Wildlife entry permit and leave the refuge no later than 1½ hours after legal sunset unless participating in overnight stay in accordance with A13.

3. Youth hunters must be accompanied by an adult (18 years old or older) at all times while hunting.

4. Access to the hunt area is by foot traffic only. We prohibit bicycles and other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.

7. The firearms used for hunting must remain unloaded until you are in designated free-roam areas or assigned pond/blind areas.

8. Hunters may use shotguns only. No shotguns larger than 12 gauge (see § 20.21(a) of this chapter).

9. You may not possess more than 25 shotgun shells while in the field.

10. You may possess only approved nontoxic shot while in the field (see § 32.2(k)). You may not possess shot size larger than BB, except steel ''T'' (0.20 (0.5 centimeter) diameter).

11. We prohibit snipe hunting in the assigned pond areas.

12. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.

13. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).

14. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit pheasant hunting in the assigned pond area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.

2. Conditions A1 through A14 apply.

* * * * *

Delevan National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a State of California Department of Fish and Wildlife entry permit from the check station prior to entering the hunt area.

2. You must return the State of California Department of Fish and Wildlife entry permit and leave the refuge no later than 1½ hours after legal sunset unless participating in overnight stay in accordance with A14.

3. Junior hunters must be accompanied by an adult (18 years old or older) at all times while hunting.

4. Access to the hunt area is by foot traffic only. We prohibit bicycles and other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.

7. The firearms used for hunting must remain unloaded until you are in designated free-roam areas or assigned pond/blind areas.

8. Hunters may use shotguns only. No shotguns larger than 12 gauge.

9. Hunters may possess no more than 25 shotgun shells while in the field.

10. Hunters may possess only approved nontoxic shot while in the field (see § 32.2(k)). You may not possess shot size larger than BB, except steel ''T'' (0.20 inch (0.5 centimeter) diameter).

11. We restrict hunters assigned to the spaced blind area to within 100 feet (30.5 meters) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the area.

12. We prohibit snipe hunting in the assigned pond areas.

13. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.

14. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).

15. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. * * *

1. We prohibit pheasant hunting in the assigned pond/spaced blind area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.

2. Conditions A4 through A15 apply.

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Lower Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a Refuge Recreation Pass (passholder name/expiration date) for all hunters age 16 or older. An adult with a valid Recreation Pass (passholder name/expiration date) must accompany hunters younger than age 16 who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the Waterfowl Lottery each year.

3. Entry hours begin 1½ hours prior to State regulated shoot time unless otherwise posted.

4. Shooting hours end at 1:00 p.m. on all California portions of the refuge with the following exceptions:

a. The refuge manager may designate up to 6 afternoon special youth, ladies, or disabled hunter waterfowl hunts per season; and

b. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

5. The firearms used for hunting must be unloaded while in posted retrieving zones and while on hunter access routes open to motor vehicles.

6. You may not set decoys in retrieving zones.

7. We prohibit air-thrust and inboard waterthrust boats.

8. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

9. You may use only nonmotorized boats and boats with electric motors on designated motorless units from the start of the hunting season through November 30. You may use motorized boats on designated motorless units from December 1 through the end of hunting season.

10. Pit style hunting blinds located in the Stearns units and unit 9D are first-come, first-served basis. We require you to hunt within a 200-foot (61-meter) radius of the blind.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

2. We require you to wear an outer garment above the waist that is at least 50 percent blaze orange and visible from both front and back. Outer garments may consist of hat or cap, vest, jacket, shirt or coat.

3. The firearms used for hunting must be unloaded while in posted retrieving zones and while on hunter access routes open to motor vehicles.

* * * * *

Sacramento National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a State of California Department of Fish and Wildlife entry permit from the check station prior to entering the hunt area.

2. You must return the State of California Department of Fish and Wildlife entry permit and vacate refuge no later than 1½ hours after legal sunset unless participating in overnight stay in accordance with A14.

3. Junior hunters must be accompanied by an adult (18 years old or older) at all times while hunting.

4. Access to the hunt area is by foot traffic only. We prohibit bicycles and other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.

7. The firearms used for hunting must remain unloaded until you are in designated free-roam areas or assigned pond/blind areas.

8. Hunters may use shotguns only. No shotguns larger than 12 gauge.

9. Hunters may possess no more than 25 shotgun shells while in the field.

10. Hunters may possess only approved nontoxic shot while in the field (see § 32.2(k)). You may not possess shot size larger than BB, except steel ''T'' (0.20 inch (0.5 centimeter) diameter).

11. We restrict hunters assigned to the spaced blind area to within 100 feet (30.5 meters) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the area.

12. We prohibit snipe hunting in the assigned pond areas.

13. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.

14. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).

15. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. * * *

1. We prohibit pheasant hunting in the assigned pond/spaced blind area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.

2. Conditions A4 through A15 apply.

* * * * *

Sacramento River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Access to the hunt area on all units open to public hunting is by boat only, except on designated units, which are accessible by foot traffic or boat. We prohibit bicycles or other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances. Waterfowl hunting is not allowed on the Mooney and Codora Units.

2. On the Codora Unit, hunting is not allowed except for junior hunters (16 years old or younger) on weekends only. Junior hunters must possess a valid junior hunting license and be accompanied by a nonhunting adult (18 years or older).

3. We prohibit possession of alcohol.

4. We allow only shotgun hunting.

5. The firearms used for hunting must be unloaded (see § 27.42(b) of this chapter) while transporting them between parking areas and hunting areas. ''Unloaded'' means that no ammunition is in the chamber or magazine of the firearm.

6. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

7. We prohibit hunting within 50 feet (15.2 meters) of any boundary adjacent to private property.

8. We prohibit hunting within 150 yards (137.2 meters) of any occupied dwelling, house, residence, or other building or any barn or other outbuilding used in connection therewith.

9. We prohibit fires on the refuge, except we allow portable gas stoves on gravel bars (see § 27.95(a) of this chapter).

10. We open the refuge for day-use access from 2 hours before legal sunrise until 1½ hours after legal sunset. We

allow access during other hours on gravel bars only.

11. We require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities, and under the immediate control of a licensed hunter (see § 26.21(b) of this chapter).

12. We prohibit permanent blinds. You must remove all personal property, including decoys and boats, by 1½ hours after legal sunset (see §§ 27.93 and 27.94 of this chapter).

13. We prohibit cutting or removal of vegetation for blind construction or for making trails (see § 27.51).

14. We prohibit commercial guiding (see § 27.97 of this chapter).

B. Upland Game Hunting. * * *

2. Conditions A1 through A3 and A5 through A14 apply.

C. Big Game Hunting. We allow hunting of black-tailed deer and feral hogs on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A3, A5, A7 through A14, and B1 apply.

2. You may hunt feral hogs from September 1 through March 15.

3. We prohibit dogs while hunting feral hogs.

4. We prohibit construction or use of permanent blinds, platforms, ladders, or screw-in foot pegs.

5. You must remove all personal property, including stands or hunting blinds, from the refuge by 1½ hour after legal sunset (see §§ 27.93 and 27.94 of this chapter).

6. You may only use shotguns, firing single shotgun slugs, and archery equipment for big game hunting only. You may only possess non-lead ammunition while in the field (consistent with State Law AB711 related to Wildlife Areas ammunition restrictions).

D. Sport Fishing. * * *

1. Conditions A3 and A9 through A14 apply.

2. On Packer Lake and Drumheller North, due to primitive access, we only allow boats up to 14 feet (4.3 meters) and canoes. Electric motors only.

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Sutter National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Visitors must obtain a State of California Department of Fish and Wildlife entry permit from the check station prior to entering the hunt area.

2. Hunters must return the State of California Department of Fish and Wildlife entry permit and vacate refuge no later than 1½ hours after legal sunset unless participating in overnight stay in accordance with A13.

3. Junior hunters must be accompanied by an adult (18 years old) at all times while hunting.

4. Access to the hunt area is by foot traffic only. We prohibit bicycles and other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.

7. The firearms used for hunting must remain unloaded until you are in designated free-roam areas or assigned pond/blind areas.

8. Hunters may use shotguns only. No shotguns larger than 12 gauge.

9. Hunters may possess no more than 25 shotgun shells while in the field.

10. Hunters may possess only approved nontoxic shot while in the field (see § 32.2(k)). You may not possess shot size larger than BB, except steel ''T'' (0.20 inch (0.5 centimeter) diameter).

11. We prohibit snipe hunting in the assigned pond areas.

12. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.

13. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).

14. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. We only allow hunting of pheasant in the free-roam areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit pheasant hunting in the assigned pond areas.

2. Conditions A1 through A14 apply.

* * * * *

Tule Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a Refuge Recreation Pass (passholder name/expiration date) for all hunters age 16 or older. An adult with a valid Recreation Pass (passholder name/expiration date) must accompany hunters younger than age 16 who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the Waterfowl Lottery each year.

3. Entry hours begin 1½ hours prior to State regulated shoot time unless otherwise posted.

4. Shooting hours end at 1:00 p.m. on all portions of the refuge with the following exceptions:

a. The refuge manager may designate up to six afternoon special youth, ladies, or disabled hunter waterfowl hunts per season; and

b. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

5. The firearms used for hunting must be unloaded when you are more than 200 feet (61 meters) from the established blind stakes. You select blind sites by lottery at the beginning of each hunt day. You may shoot only from within your assigned blind site.

6. The firearms used for hunting must be unloaded while in posted retrieving zones and while on hunter access routes open to motor vehicles.

7. We prohibit the setting of decoys in retrieving zones.

8. We prohibit air-thrust and inboard water-thrust boats.

9. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

2. We require you to wear an outer garment above the waist that is at least 50 percent blaze orange and visible from both front and back. Outer garments may consist of hat or cap, vest, jacket, shirt or coat.

3. The firearms used for hunting must be unloaded while in posted retrieving zones and while on hunter access routes open to motor vehicles.

* * * * *

■ 7. Amend § 32.27 by revising paragraphs A, B, and C under Prime Hook National Wildlife Refuge to read as follows:

§ 32.27 Delaware.

* * * * *

Prime Hook National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow the hunting of waterfowl, coot, mourning dove, snipe, and woodcock

on designated areas of the refuge during designated seasons in accordance with State regulations and subject to the following conditions:

1. Only hunters aged 16 years and older may apply for or obtain a lottery hunt area permit (Waterfowl Lottery Application; FWS Form 3–2355).

2. You must have in your possession a signed and current refuge hunt permit (signed brochure) and government-issued picture identification on the refuge. All permits are non-transferable. Hunting brochures containing hunting application procedures, permits, seasons, scouting times, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge office and on the refuge's Web site.

3. Hunting in violation of any Delaware State law is a violation of refuge hunting regulations.

4. We prohibit cutting or damaging vegetation for any purpose. We prohibit the use of natural vegetation for camouflaging a blind (see § 27.51 of this chapter).

5. Hunting blinds, stands, steps and equipment must be portable, and you must remove them at the end of each day.

6. We prohibit practice or target shooting.

7. We prohibit all public entry in designated safety zones.

8. You may not be on the refuge any earlier than 2 hours before the legal morning shooting time.

9. We require all boaters to operate their craft and possess all safety equipment in accordance with Delaware State and U.S. Coast Guard regulations during refuge hunts (see § 27.32 of this chapter). The maximum horsepower (HP) allowed for boat motors is 30 HP. The Slaughter Canal and Headquarters' Canal are slow, no-wake zones. Designated launching sites must be used to launch boats. We prohibit the use of air-thrust and inboard water-thrust boats on all waters within the refuge boundaries.

10. We allow only three individuals per blind site in the lottery hunting areas.

11. We prohibit motor vehicles off of designated routes and parking areas.

12. We allow the use of dogs to assist in hunting and retrieval of harvested game in accordance with State law. We prohibit dog training (see § 27.91 of this chapter).

13. Only nonambulatory hunters may hunt in the Island Farm Unit, where we have provided nonambulatory hunt blinds to accommodate hunters with this need. All disabled hunters must obtain an Interagency Access Pass to receive a hunting permit for the disabled hunting areas. We require wheelchair hunters to have an assistant in the disabled hunting areas and to hunt from a government-provided blind.

14. We allow up to two individuals assisting a disabled hunter to hunt waterfowl with the disabled hunter.

15. Waterfowl hunters must stop hunting at 3 p.m. and leave the refuge by 4 p.m. on hunting days except when snow goose hunting during a snow goose conservation order.

16. We allow the use and possession of only nontoxic shot for hunting (see § 32.2(k)).

B. Upland Game Hunting. We allow the hunting of rabbit, quail, pheasant, and red fox on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit the hunting of squirrel.

2. We allow red fox hunting only while concurrently hunting deer in areas open to deer hunting. We prohibit hunting by chase. We prohibit hunting with rimfire or centerfire rifles.

3. We allow the use and possession of only nontoxic shot for hunting (see § 32.2(k)), except that while hunting red fox concurrently with deer we allow the use of shot approved for deer hunting in accordance with State and refuge regulations.

4. Hunters must leave the hunting area ½ hour after the legal evening shooting time.

5. Conditions A2 through A13 apply.

C. Big Game Hunting. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge during designated seasons in accordance with State regulations and subject to the following conditions:

1. Only hunters aged 16 years and older may apply for or obtain a lottery hunt area permit (Quota Deer Hunt Application, FWS Form 3–2354; Big/Upland Game Hunt Application, FWS Form 3–2356).

2. We prohibit access by boat from Slaughter Creek on Cods Road.

3. We prohibit the driving or pushing of deer by any means.

4. All deer hunters must be out of the hunting areas 1½ hours after the legal evening shooting time. All turkey hunters must be out of the hunting areas one hour after the legal closing time for turkey hunting.

5. We prohibit the use or possession of buckshot while hunting. Only slugs may be used for hunting deer.

6. We prohibit assistants for wheelchair hunters from hunting in the disabled hunting area.

7. Any time the State hunting regulations require that hunters display hunter orange, the material must be solid-colored. We prohibit the use of hunter-orange camouflage materials to meet State minimum hunter orange requirements.

8. We allow the use and possession of only nontoxic shot for hunting turkey (see § 32.2(k)).

9. Conditions A2 through A12, and A14 apply.

* * * * *

■ 8. Amend § 32.28 by:

■ a. Removing paragraphs C.12 and D.9; redesignating paragraphs C.4, C.5, C.6, C.7, C.8, C.9, C.10, C.11, D.6, D.7, and D.8 as C.5, C.6, C.7, C.8, C.9, C.10, C.11, C.12, D.8, D.9, and D.10, respectively; adding paragraphs C.4, C.13, C.14, C.15, D.6, D.7, and D.11; revising newly redesignated paragraphs C.9 and C.10, and paragraph D.3 under Arthur R. Marshall Loxahatchee National Wildlife Refuge.

■ b. Revising the entry for Chassahowitzka National Wildlife Refuge.

■ c. Revising paragraph D under Egmont Key National Wildlife Refuge.

■ d. Removing paragraph D.7; redesignating paragraphs D.4, D.5, and D.6 as D.5, D.6, and D.7, respectively; adding a new paragraph D.4; and revising paragraphs D.3 and newly designated D.7 under Hobe Sound National Wildlife Refuge.

■ e. Revising paragraphs D.10, D.11, D.13, D.16, and D.18 under J.N. ''Ding'' Darling National Wildlife Refuge.

■ f. Revising paragraphs A.1, A.2, A.4, A.13, B.2, B.3, B.4, and C, and removing paragraph D.4 under Lower Suwannee National Wildlife Refuge.

■ g. Redesignating paragraphs D.13, D.14, D.15, D.16, and D.17 as D.14, D.15, D.16, D.17, and D.18, respectively, and adding a new paragraph D.13 under Merritt Island National Wildlife Refuge.

■ h. Revising paragraph D under Pinellas National Wildlife Refuge.

■ i. Revising paragraphs C.2 and C.8 under St. Marks National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.28 Florida.

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Arthur R. Marshall Loxahatchee National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

4. We prohibit the taking of any other plants or wildlife (see § 27.21 of this chapter).

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9. You may take alligators using hand-held snares, harpoons, gigs, snatch hooks, artificial lures, manually

operated spears, spear guns, and crossbows. We prohibit the taking of alligators using baited hooks, baited wooden pegs, or firearms. We allow the use of bang sticks (a hand-held pole with a pistol or shotgun cartridge on the end in a very short barrel) with nontoxic ammunition only for taking alligators attached to a restraining line (see § 32.2(k)). Once an alligator is captured, it must be killed immediately. We prohibit catch and release of alligators. Once the alligator is dead, you must lock a CITES tag through the skin of the carcass within 6 inches (15.2 centimeters) of the tip of the tail. The tag must remain attached to the alligator at all times.

10. Hunters must complete a Big Game Harvest Report (FWS Form 3-2359) and place it in an entrance fee canister each day prior to exiting the refuge. A Florida Fish and Wildlife Conservation Commission (FWC) Alligator Harvest Report Form (FWC Form 1001AT, supplied with your FWC permit) must be completed by the permit holder within 24 hours of taking each alligator and prior to the transfer to a permitted alligator processing facility. A copy of the FWC Alligator Harvest Report Form must accompany the alligator carcass until processing. An online version of the form can be found at *MyFWC.com/alligator.*

* * * * *

13. We allow only one vessel per hunting group or party.

14. Conditions A14 through A18 apply.

15. For emergencies or to report violations, contact law enforcement personnel at 1-800-307-5789. Law enforcement officers may be monitoring VHF Channel 16.

D. Sport Fishing. * * *

3. We allow fishing south of a line of latitude of 26.27.130 and in the rim canal in the rest of the refuge. We prohibit fishing in those areas posted as closed to fishing or to the public.

* * * * *

6. We allow commercial guiding by Special Use Permit only (Commercial Activities—Special Use Permit Application, FWS Form 3-1383-C). Contact the Refuge Office at 561-735-6029 for more information.

7. We allow 12 fishing tournaments a year by Special Use Permit only (General Activities—Special Use Permit Application, FWS Form 3-1383-G). Contact the Refuge Office at 561-735-6029 for more information.

* * * * *

11. For emergencies or to report violations, contact law enforcement personnel at 1-800-307-5789. Law enforcement officers may be monitoring VHF Channel 16.

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Chassahowitzka National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow migratory game bird hunting in those areas designated as open to hunting in accordance with applicable Federal and State laws, and subject to the following conditions:

1. In Citrus County:

i. You may take only ducks and coots.

ii. We allow waterfowl hunting on Wednesdays, Saturdays, and Sundays during those seasons established by the State of Florida; however, we may close or alter hunts in cases of emergency situations.

iii. State bag limits apply.

iv. We allow the use of dogs in accordance with State regulations to retrieve taken waterfowl.

v. We allow airboats only on the designated airboat route with a refuge Special Use Permit (General Activities Special Use Permit Application, FWS Form 3-1383-G) issued by the U.S. Fish and Wildlife Service. We prohibit the use of airboats on vegetation. Airboats must be in compliance with State and county regulations (§ 27.32 of this chapter).

vi. We require hunters to possess and carry a signed, no-cost refuge hunting permit (signed brochure).

vii. In addition to State hunter education requirements, an adult (parent or guardian) age 21 or older must supervise and remain within sight and normal voice contact of any youth hunter age 15 or younger. An adult may supervise no more than two (2) youths.

viii. We prohibit hunting within 100 yards (91.4 meters) of any residence or on navigable waterways of Chassahowitzka River, Seven Cabbage Cut-off, and Mason Creek.

ix. We allow temporary blinds and decoys, but require all blinds and decoys to be removed from the refuge daily.

x. We prohibit the use of bait, salt, oil, or ingestible attractant. We prohibit taking or attempting to take any game animal with the aid of live decoys, recorded game calls or sounds, set guns, artificial light, net, trap, snare, drug, or poison (see §§ 20.21 of this chapter and § 32.2(h)).

xi. We prohibit taking or herding of wildlife from any vessel that is under power, until power and movement have ceased (§ 20.21(e) of this chapter).

xii. We prohibit target practice.

xiii. You may use only steel or approved nontoxic shot for hunting migratory game birds (see § 32.2(k)). We prohibit possession of lead or other toxic shot (§ 20.21(j) of this chapter).

xiv. Persons possessing, transporting, or carrying firearms on the refuge must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

xv. We prohibit the marking of trees, using flagging tape, reflective tacks, and other similar marking devices; and the cutting/trimming of trees. We prohibit driving or screwing any metal object into a tree or hunting from a tree in which a metal object has been driven or screwed to support a hunter (see 32.2(i)).

xvi. We prohibit commercial activities, including guiding or participating in a guided hunts (§ 27.97 of this chapter).

xvii. We prohibit fires.

xviii. We prohibit the use of all-terrain vehicles (ATVs)/tracked motorized vehicles.

2. In Hernando County:

i. All hunters in Hernando County must comply with the Chassahowitzka Wildlife Management Area regulations, including quota hunt requirements, in addition to refuge rules.

ii. Conditions A.1.iii, A.1.iv, A.1.vi, A.1.vii, and A.1.ix through A.1.xviii apply.

iii. We allow hunting of rails, common moorhen, mourning dove, white winged dove, snipe, and woodcock during seasons established by the Commission for these species and listed in the Chassahowitzka Wildlife Management Area regulations. We allow hunting of geese, duck, and coot on Wednesdays, Saturdays, and Sundays; however, hunts may be closed or altered in cases of emergency situations by the U.S. Fish and Wildlife Service.

iv. You may use airboats on all navigable waterways within Hernando County with a refuge Special Use Permit (General Activities Special Use Permit Application, FWS Form 3-1383-G) issued the U.S. Fish and Wildlife Service. We prohibit the use of airboats on vegetation. Airboats must be in compliance with State and county regulations.

v. We prohibit hunting within 100 yards (91.4 meters) of any residence.

B. Upland Game Hunting.

1. [Reserved]

2. In Hernando County, we allow hunting of quail, squirrel, and rabbit in accordance with Chassahowitzka Wildlife Management Area regulations, and subject to the following conditions:

i. Conditions A.1.iii, A.1.v through A.1.xii, and A.1.xiv through A.1.xviii, A.2.i, A.2.iv, and A.2.v apply.

ii. We prohibit the use of traps or snares to take game.

iii. You must report harvested game at the State Wildlife Management Area Check Station.

iv. We prohibit hunting of raccoon, bobcat, and otter.

v. You may take feral hog, opossum, armadillo, beaver, coyote, skunk, and nutria as incidental species with the equipment legal for use during the season.

C. Big Game Hunting.

1. [Reserved]

2. In Hernando County, we allow hunting of whitetail deer and turkey, in accordance with Chassahowitzka Wildlife Management Area regulations, and subject to the following conditions:

i. Conditions B.2.i through B.2.iii and B.2.v apply.

ii. We prohibit the use of dogs to take big game and feral hogs.

D. Sport Fishing.

1. In Citrus County, we allow sport fishing on the refuge year-round in areas designated as open in the refuge hunting and fishing brochure, in compliance with State fishing regulations and license requirements, and subject to the following conditions:

i. Conditions A.1.v, A.1.xiv, A.1.xv, A.1.xvii, and A.1 xviii apply.

ii. We allow fishing 24 hours per day, year-round, except in areas posted closed.

iii. All fish must remain in a whole condition while being transported from the refuge.

iv. We prohibit harvesting and possession of horseshoe crabs, turtles, and snakes.

v. We prohibit the taking of frogs.

vi. We permit commercial activities, including guiding, with a Special Use Permit (Commercial Activities Special Use Permit Application, FWS Form 3-1383-C). You must apply for the permit.

2. In Hernando County, we allow sport fishing on the refuge year-round in areas designated as open in the refuge hunting and fishing brochure, in compliance with State fishing regulations and license requirements, and subject to the following conditions: Conditions D.1.i through D.1.vi apply.

Egmont Key National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow sport fishing on the refuge year-round in areas designated as open and in accordance with State fishing regulations and subject to the following conditions:

1. We allow fishing from designated refuge beaches during open hours.

2. Anglers may only use two poles per angler and must attend both poles at all times.

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Hobe Sound National Wildlife Refuge

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D. Sport Fishing. * * *

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3. We prohibit the disturbance or taking of sea turtles, their eggs, and their nests. We prohibit the taking of any wildlife, plants, and cultural artifacts (see § 27.21 of this chapter).

4. We prohibit camping, fires, pets, and the use of metal detectors.

* * * * *

7. We prohibit motorized vehicles of any type on the beach, fire roads, undesignated routes, and areas posted as closed (see § 27.31 of this chapter).

J.N. ''Ding'' Darling National Wildlife Refuge

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D. Sport Fishing. * * *

10. We allow you to launch canoes and kayaks anywhere on the right (north) side of Wildlife Drive. We prohibit launching motorized vessels over 14 feet (4.2 meters) in length from Wildlife Drive. We allow launching of motorized vessels only 14 feet (4.2 meters) or less in length from designated site #2.

11. We allow public access to Wildlife Drive and Indigo Trail, except on Fridays, when we close Wildlife Drive to all public access. See hours posted at the front gate or on the refuge Web site (*http://www.fws.gov/dingdarling/*), or call 239–472–1100.

* * * * *

13. We prohibit all public entry into the impoundments on the left (south) side of Wildlife Drive.

* * * * *

16. We prohibit the use of cast nets from the left (south) side of Wildlife Drive or any structure affixed to Wildlife Drive.

* * * * *

18. We prohibit the use of bows and spears from Wildlife Drive or any trail or structure affixed to Wildlife Drive.

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Lower Suwannee National Wildlife Refuge

A. Migratory Game Bird Hunting.

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1. We require all hunters, ages 16 or older, to purchase and possess a general refuge hunting permit (name/address/phone number) and a State of Florida Hunting License to hunt during all refuge hunts, unless otherwise exempt. You can purchase a hunting permit (name/address.phone number) through the Florida Fish and Wildlife Conservation Commission licensing Web site, county tax office, or another outlet that sells State licenses. We do not require youth hunters age 15 and younger to possess a general refuge hunt permit (name/address/phone number). We do not require State Wildlife Management Area stamps. Unless otherwise exempt, we require hunters to have appropriate archery, muzzleloader, deer, and turkey stamps/permits. Unless exempt, we require waterfowl hunters to have appropriate State and Federal waterfowl stamps.

2. We designate open and closed refuge hunting areas on the map in the refuge hunt brochure, which the hunter must possess and carry. The refuge can designate temporary closed hunting areas at the management's discretion for refuge management activities (prescribed burns, forestry, habitat restoration, wildlife management).

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4. We prohibit the use of all-terrain vehicles (ATVs) and utility-type vehicles (UTVs) (see § 27.31(f) of this chapter).

* * * * *

13. We prohibit flagging, reflective markers, paint, litter, or pins for marking in any manner on refuge property, with the exception of the following: clothes type pins or clips with reflective or colored markings can be used for the temporary marking of vegetation in order to identify a route of travel to or from a tree stand. You must remove these pins at the end of deer season (see §§ 27.93 and 27.94 of this chapter). Each clothes type pin or clip must contain both the name and hunting license number of the hunter.

* * * * *

B. Upland Game Hunting. * * *

2. We will print dates for the refuge upland game (small game) and raccoon/opossum hunting seasons in the annual refuge hunt brochure. Contact the refuge office for specific dates.

3. You may use only .17, .22, and .22 magnum caliber rimfire rifle firearms (see § 27.42 of this chapter), bows, or shotguns with nontoxic shot no larger than #4 birdshot, or muzzleloader or.40 caliber or less when hunting (see § 32.2(k)).

4. We allow night hunting in accordance with State regulations for raccoon and opossum during nighttime hours from legal sunset until legal sunrise.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State

regulations and subject to the following conditions:

1. Conditions A1 through A18 apply.

2. During the refuge archery season, hunters may only use archery equipment in accordance with State archery regulations.

3. During the refuge muzzleloader season, hunters may only use muzzleloading firearms (see § 27.42 of this chapter) in accordance with State muzzleloader regulations.

4. We prohibit driving or screwing any metal object into a tree or hunting from a tree in which a metal object has been driven or screwed to support a hunter (see § 32.2(i)).

5. Temporary tree stands may be left on the refuge starting one week before archery season and must be removed by the last day of hog season. All tree stands left on the refuge within the hunt season must display the hunters name and hunting license number legibly written on or attached to the stand. We may confiscate and dispose of tree stands not in compliance (see §§ 27.93 and 27.94 of this chapter). You may use tree stands during small game season, but you must remove them by the last day of this season (see § 27.93 of this chapter).

6. All hunters (including all persons accompanying hunters) must wear a minimum of 500 square inches (3,250 square centimeters) of fluorescent orange visible above the waistline while hunting during all refuge deer gun hunts.

7. We prohibit the use of organized drives for taking or attempting to take game.

8. We will publish the dates of the refuge general gun season in the annual refuge hunt brochure. Contact the refuge office for specific dates. Consult the Florida State Zone C for current State regulations.

9. The family hunt follows the refuge general gun season. We will print dates in the annual refuge hunt brochure. Contact the refuge office for specific dates.

10. The refuge will provide an annual feral (wild) hog hunt. We will print dates in the annual refuge hunt brochure. Contact the refuge office for specific dates.

11. During the youth turkey hunt, an adult age 18 or older must accompany the youth, age 15 and younger, but only the youth hunter may hunt.

12. We allow hunting of deer (except spotted fawns), feral hog (no size or bag limit), gray squirrel, rabbit, armadillo, opossum, raccoon, beaver, and coyote during the archery season.

13. We prohibit harvesting antlered deer not having one (1) antler with two (2) or more points, except persons younger than age 16 may harvest any antlered deer with one (1) antler 5 inches (12.7 centimeters) or more in length. You may take feral hog (no bag or size limit) during the archery, muzzleloader, and general-gun season.

14. Hunters may take feral hog (no size or bag limit), and a maximum of two deer per day, during the family hunt, except only one deer may be antlerless for each day of the family hunts.

15. Hunters may take only feral hog (no size or bag limit) during the feral (wild) hog hunt.

16. Hunters must fill out a bag report card and check all game harvested during all deer and hog hunts.

17. Hunters may take only bearded turkeys and only during the State Zone C youth turkey hunts and spring turkey season.

18. Shooting hours for spring turkey begin 1/2 hour before legal sunrise and end at 1 p.m.

19. We only allow shotguns with shot no larger than size 2 common shot or bows and arrows for spring turkey hunting.

20. We prohibit crossbows except with a State-issued disabled crossbow permit. You may not use a crossbow during muzzleloader season.

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Merritt Island National Wildlife Refuge

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D. Sport Fishing. * * *

13. We prohibit fish cleaning on refuge property.

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Pinellas National Wildlife Refuge

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D. Sport Fishing. We allow fishing in refuge-managed waters year-round in areas designated as open, in accordance with State regulations and subject to the following conditions:

1. We allow fishing only from vessels in the waters surrounding Tarpon Key.

2. We close refuge lands to all public use.

3. We prohibit the disturbance of any nesting birds, wildlife, or vegetation.

St. Marks National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

2. Conditions B2 and B4 through B11 apply.

* * * * *

8. The bag limit for white-tailed deer is two deer per scheduled hunt period. We allow hunters to harvest two antlerless deer per scheduled hunt period. We define antlerless deer per State regulations (*i.e.,* un-antlered deer or antlered deer with both antlers less than 5 inches (12.7 centimeters) in length). Otherwise, hunters may harvest one antlerless deer and one antlered deer per hunt. Hunters must ensure that antlered deer have at least 3 points, of 1 inch (2.5 centimeters) or more in length on one antler.

* * * * *

■ 9. Amend § 32.29 by:

■ a. Adding paragraphs D.5 and D.6 under Banks Lake National Wildlife Refuge.

■ b. Revising the introductory text of paragraphs C and D; revising paragraphs C.1, C.10, C.11, C.16, and D.1; removing paragraphs D.2, D.3, and D.4; redesignating paragraph D.5 as D.2; and adding paragraphs C.20, C.21, and D.3 under Blackbeard Island National Wildlife Refuge.

■ c. Revising the introductory text of paragraph A; revising paragraphs A.2, A.6, A.8, A.9, A.13, A.19, A.24, A.28, B.1, B.2, C.1, D.1, D.4, D.5, and D.6; and adding paragraphs A.30, A.31, A.32, A.33, A.34, A.35, A.36, A.37, A.38, A.39, B.4, B.5, C.6, C.7, D.7, and D.8 under Bond Swamp National Wildlife Refuge.

■ d. Revising the introductory text of paragraphs C and D; revising paragraphs C.1, C.5, C.6, C.7, C.10, C.12, C.14, and D.3; and adding paragraphs C.20 and D.5 under Harris Neck National Wildlife Refuge.

■ e. Removing paragraph B.3; revising paragraphs C.1, C.2, C.3.ii, D.1, D.4, and D.5; and adding paragraph D.6 under Okefenokee National Wildlife Refuge.

■ f. Revising paragraphs B.2, B.3, B.4, B.7, B.10, C.1, C.3, C.4, C.6, C.7, C.13, D.1, D.3, D.4, D.5, D.8, and D.10 and adding paragraphs B.12, B.13, B.14, B.15, B.16, B.17, B.18, B.19, B.20, B.21, B.22, B.23, B.24, B.25, D.11, and D.12 under Piedmont National Wildlife Refuge.

■ g. Removing paragraph C.6; revising the introductory text of paragraphs A, B, C, and D; redesignating paragraphs A.2, A.3, A.4, C.1, C.2, C.3, C.4, and C.5 as paragraphs A.3, A.4, A.5, C.2, C.3, C.4, C.5, and C.6, respectively; revising newly redesignated paragraphs A.4 and C.2; revising paragraphs A.1, B.1, B.2, B.6, C.8, D.2, and D.4; and adding paragraphs A.2, A.6, C.1, and D.7 under Savannah National Wildlife Refuge.

■ h. Revising the introductory text of paragraphs C and D; revising paragraphs C.1, C.8, C.9, and C.18; and adding paragraphs C.21, C.22, D.3, and D.4 under Wassaw National Wildlife Refuge.

■ i. Revising paragraph D under Wolf Island National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.29 Georgia.

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Banks Lake National Wildlife Refuge

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D. Sport Fishing. * * *

5. We permit commercial fishing only by Special Use Permit (Commercial Activities Special Use Permit Application, FWS Form 3–1383–C) issued by the refuge manager.

6. We permit fishing tournaments by Special Use Permit (General Activities Special Use Permit Application, FWS Form 3–1383–G) issued by the refuge manager (fees may apply).

Blackbeard Island National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a refuge hunt permit (name/address/phone number) for all hunters age 16 and older, which must be signed and carried at all times when hunting. We charge a fee for all hunt permits.

* * * * *

10. We prohibit the use of organized drives for taking or attempting to take game.

11. Hunters may take five deer (no more than two antlered), and we will issue State bonus tags for two of these. There is no bag limit on feral hog.

* * * * *

16. We close the refuge to the nonhunting public on all hunt days.

* * * * *

20. We prohibit hunters from bringing firewood to the refuge.

21. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow saltwater fishing year-round in the estuarine waters adjacent to the refuge.

* * * * *

3. We require a Georgia fishing license and Saltwater Information Program (SIP) permit.

Bond Swamp National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

2. We require you to possess and carry a signed refuge hunt permit (signed brochure) and an additional refuge quota hunt permit for the quota hunts while hunting. You may obtain this permit and an application for the quota hunt from the refuge office.

* * * * *

6. We allow only nontoxic shot for hunting with the use of a shotgun in designated areas (see § 32.2(k)).

* * * * *

8. We allow access to the hunt area from 2 hours before legal sunrise until 2 hours after legal sunset.

9. We allow the use of hunting dogs for retrieving downed waterfowl during waterfowl hunts.

* * * * *

13. We prohibit entry into the designated hunt area by nonhunters during all quota deer-gun and waterfowl hunts.

* * * * *

19. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older possessing a valid hunting license.

* * * * *

24. We prohibit all-terrain vehicles (ATVs) on the refuge except by wheelchair-bound hunters with a refuge Special Use Permit (General Activities—Special Use Permit Application, FWS Form 3–1383–G).

* * * * *

28. We prohibit leaving vehicles, boats, trailers, or decoys on the refuge overnight (see § 27.93 of this chapter).

* * * * *

30. We prohibit the possession or use of any suppressors or silencers on any firearm.

31. We prohibit the possession or use of any trail or game camera or leaving any other electronic device on the refuge.

32. We prohibit the possession or use of any night vision or thermal imaging equipment.

33. We prohibit the possession or use of any electronic calls.

34. We prohibit the training of dogs or release of birds.

35. We prohibit falconry.

36. We prohibit bicycles on foot travel roads or off road. We restrict bicycles to roads designated open to vehicles.

37. We prohibit audio equipment such as radios, other noise-making devices, or generators.

38. We prohibit horses or mules.

39. We prohibit construction of or hunting from permanent blinds for waterfowl. You may only place temporary blinds, blind material, and/or decoys on the day of the hunt, and you must remove them by 1:00 p.m. on that same day.

B. Upland Game Hunting. * * *

1. Conditions A1, A3 through A8, A10 through A12, and A14 through A38 apply.

2. We require you to possess and carry a signed refuge hunt permit (signed brochure) while hunting for upland game. The hunt brochure will serve as your hunt permit. You may obtain this permit from the refuge office.

* * * * *

4. We allow the use of hunting dogs while hunting for squirrel, rabbit, and quail.

5. You may place tree stands and hunting blinds during upland game and big game hunts on the day prior to each upland game and big game hunt. You must remove tree stands and hunting blinds by 11:00 a.m. on the day after the hunt.

C. Big Game Hunting. * * *

1. Conditions A1 through A8, A10 through A18, A20 through A38, and B5 apply.

* * * * *

6. For archery hunting, we require you to possess and carry a signed refuge hunt permit (signed brochure) while hunting. You may obtain this permit from the refuge office.

7. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older possessing a valid hunting license. One adult may supervise no more than one youth hunter.

D. Sport Fishing. * * *

1. We allow fishing from March 1 to October 31, except on the Ocmulgee River, which is open to fishing year-round.

* * * * *

4. We allow boat launching at the Stone Creek Boat Launch. During periods of high water, we allow boats to be launched from refuge roads normally open to vehicle traffic. We allow gasoline motors only during periods of high water as defined as a reading of 18.0 feet (5.5 meters) or higher at the Macon Gauge on the Ocmulgee River.

5. Conditions A3, A4, A11, A15, A16, A20 through A32, and A36 through A38 apply.

6. We prohibit use or possession of alcoholic beverages while fishing on the refuge.

7. We require you to possess and carry a signed refuge fishing permit (signed brochure) while fishing. You may obtain this permit from the refuge office.

8. Youth fishermen age 15 and younger must remain within sight and

normal voice contact of an adult age 21 or older possessing a valid fishing license.

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Harris Neck National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a refuge hunt permit (name/address/phone number) for all hunters age 16 and older, which must be signed and carried at all times when hunting. We charge a fee for all hunt permits.

* * * * *

5. We prohibit hunting within 100 yards (91.4 meters) of Harris Neck Road, the refuge entrance drive, Visitor Contact Station/Office, Barbour River Landing, Barbour River Road, or Gould's Cemetery.

6. We require hunters to check-in and out each hunt day. Personal identification is required.

7. We require hunters to check all harvested game at the check station before leaving the refuge each day.

* * * * *

10. Hunters must enter the refuge through the main entrance gate. We prohibit entry by boat.

* * * * *

12. During the gun hunt, we allow only shotguns (20 gauge or larger; slugs only), muzzleloaders, and bows in accordance with State regulations.

* * * * *

14. During the gun hunt, hunters must wear an outer garment with a minimum of 500 square inches (3,250 square centimeters) of hunter-orange material above the waistline.

* * * * *

20. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

3. We close the Barbour Landing (boat ramp and parking areas) to the public from 12 a.m. (midnight) to 4 a.m.

* * * * *

5. We require a Georgia fishing license and Saltwater Information Program (SIP) permit.

Okefenokee National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

1. In the Pocket Unit:

i. We only allow archery hunting and foot traffic.

ii. You must sign in and out daily.

iii. You must remove tree stands daily (see § 27.93 of this chapter).

iv. We prohibit the use of dogs.

v. We prohibit hunting within 50 yards (45.7 meters) of any road opened for vehicular access.

vi. We prohibit possessing a cocked crossbow in a motor vehicle.

vii. We allow scouting 7 days prior to scheduled hunt.

viii. We prohibit shooting from a motor vehicle.

2. In the Suwanee Canal Unit:

i. We only allow two ½-day hunts (dates will be announced) and shotguns with slugs or muzzleloaders.

ii. We require a refuge permit (Big/Upland Game Hunt Application, FWS Form 3–2356) through refuge lottery (fee will be announced).

iii. Hunters must remain on stands from 30 minutes before legal sunrise until 9 a.m.

iv. You must sign in and sign out daily.

v. You must tag your deer with special refuge tags (obtained from Refuge Office). There is a limit of two deer of either sex per day.

vi. We zone Chesser Island Hunt area to accommodate wheelchair hunters.

vii. We prohibit hunting with dogs.

viii. We allow scouting 7 days prior to scheduled hunt.

ix. We prohibit shooting from a motor vehicle.

x. We prohibit taking or possessing any wildlife except during an open season for that species.

xi. Condition C.1.iii applies.

3. * * *

ii. Conditions B.1, C.1.iii, and C.1.iv apply.

D. Sport Fishing. * * *

1. You may use only 10 horsepower motors or less on the refuge.

* * * * *

4. We prohibit paddleboarding, air boats, swimming, and wading.

5. All boats must be off the water by posted time.

6. In the Suwannee Canal Unit, we prohibit fishing in ponds and canals along Swamp Island Drive.

Piedmont National Wildlife Refuge

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B. Upland Game Hunting. * * *

2. We coordinate seasons and limits with the State and annually list them in the refuge hunt brochure.

3. You must possess and carry a signed refuge hunt permit (signed brochure) while hunting. You may obtain the permit from the refuge office.

4. We require a signed refuge hunt permit (signed brochure) to hunt on the Hitchiti Experimental Forest in accordance with refuge hunting seasons and regulations.

* * * * *

7. We allow access to the hunt area from 2 hours before legal sunrise until 2 hours after legal sunset.

* * * * *

10. You may use dogs on designated areas of the refuge for hunting quail, squirrel, rabbit, raccoon, and opossum in accordance with State regulations.

* * * * *

12. We prohibit use or possession of alcoholic beverages while hunting on the refuge (see § 32.2(j)).

13. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

14. We prohibit possession or use of any suppressors or silencer on any firearms.

15. We prohibit possession or use of trail or game cameras or leaving any other electronic device on the refuge.

16. We prohibit possession or use of any night vision or thermal imaging equipment.

17. We prohibit possession or use of any electronic calls.

18. We prohibit training of dogs or release of birds.

19. We prohibit falconry.

20. We prohibit bicycles on foot travel roads or off road. We restrict bicycles to gravel roads designated open to vehicles.

21. We prohibit overnight camping and/or parking.

22. We prohibit horses or mules.

23. We prohibit taking, collecting, or disturbing any artifact, property, plant, wildlife, or part thereof, other than that specifically allowed by refuge regulation (see §§ 27.61 and 27.62 of this chapter).

24. We prohibit open fires.

25. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older possessing a valid hunting license.

C. Big Game Hunting. * * *

1. Conditions B4 through B7, B12 through B18, B20, and B22 through B24 apply.

* * * * *

3. We require you to possess and carry a signed refuge hunt permit (signed

brochure) while archery hunting. You may obtain this permit from the refuge office.

4. We require you to possess and carry a signed refuge hunt permit (signed brochure), pay a fee for the quota firearms hunts, and possess and carry an additional refuge quota hunt permit (name/address/phone number) for the quota hunts. You may obtain applications and information about the hunt drawing from the refuge office.

* * * * *

6. We prohibit entry into designated hunt areas by nonhunters during all quota deer hunts and the disabled deer hunts.

7. We prohibit overnight camping and/or parking except in the designated campground at Pippins Lake. You must have a valid, paid refuge quota hunt permit (name/address/phone number) during big game quota hunts or a signed refuge hunt permit (signed brochure) during the archery hunt to enter and use the campground.

* * * * *

13. We prohibit all-terrain vehicles (ATVs) on the refuge except by wheelchair-bound hunters with a special use permit (General Activities—Special Use Permit Application, FWS Form 3–1383–G).

* * * * *

D. Sport Fishing. * * *

1. We allow fishing from March 15 to September 30.

* * * * *

3. You may keep the following numbers of fish each day: bass—5, channel catfish—5, sunfish or bream—15, and crappie—15.

4. We allow nonmotorized boats or boats with electric motors on all ponds designated as open to fishing.

5. We prohibit use or possession of alcoholic beverages while fishing on the refuge.

* * * * *

8. We prohibit the use of fish for bait and the possession of minnows.

* * * * *

10. We prohibit possession or take of grass carp. You must immediately release any grass carp caught.

11. We require you to possess and carry a signed refuge fishing permit (signed brochure) while fishing. You may obtain this permit from the refuge office.

12. Youth fishermen age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older possessing a valid fishing license.

Savannah National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge north of Georgia Highway 25/South Carolina Highway 170 in accordance with State regulations and subject to the following conditions:

1. For all hunters age 16 and older, we require a refuge hunt permit, which must be signed and carried at all times when hunting. We charge a fee for all hunt permits.

2. To participate in the youth waterfowl hunt, youth hunters must submit the Waterfowl Lottery Application (FWS Form 3–2355). We require an application fee to enter the hunt drawing.

* * * * *

4. We prohibit hunting within 100 yards (91.4 meters) of Georgia Highway 25/South Carolina Highway 170.

* * * * *

6. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32.)

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A6 apply.

2. We only allow rimfire rifles or shotguns with #2 shot or smaller for squirrel hunting.

* * * * *

6. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than one youth hunter.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A6, B3, B4, and B6 apply.

2. To participate in the gun hunt for wheelchair-dependent hunters, hunters must submit the Quota Deer Hunt Application (FWS Form 3-2354). To participate in the Youth Turkey Hunt & Learn Weekend, youth hunters must submit the Big/Upland Game Hunt Application (FWS Form 3–2356). We require an application fee to enter these hunt drawings.

* * * * *

8. We allow shotguns with only #2 shot or smaller and bows, in accordance with State regulations, for turkey hunting. We prohibit the use of slugs or buckshot for turkey hunting.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

2. Anglers may fish in Kingfisher Pond and all tidal creeks year-round.

* * * * *

4. Anglers may bank fish year-round throughout the refuge, unless otherwise posted.

* * * * *

7. We require a Georgia fishing license for fishing in Georgia waters; we require a South Carolina freshwater fishing license for fishing in South Carolina waters (includes refuge impoundments and bank fishing from Laurel Hill Wildlife Drive).

Wassaw National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a refuge hunt permit, for all hunters age 16 and older, which must be signed and carried at all times when hunting. We charge a fee for all hunt permits.

* * * * *

8. We allow only bows and muzzleloading rifles, in accordance with State regulations, for deer and hog hunting during primitive weapons hunt.

9. We allow only shotguns (20 gauge or larger; slug only), center-fire rifles (.22 caliber or larger), bows, and primitive weapons, in accordance with State regulations, for deer and hog hunting during the gun hunt.

* * * * *

18. We will close the refuge to the nonhunting public on all hunt days.

* * * * *

21. We prohibit hunters from bringing firewood to the refuge.

22. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32.)

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

3. We prohibit freshwater fishing.

4. We require a Georgia fishing license and Saltwater Information Program (SIP) permit.

Wolf Island National Wildlife Refuge

* * * * *

D. Sport Fishing. Anglers may fish in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow saltwater fishing year-round in the estuarine waters adjacent to the refuge.

2. We close all beach, marsh, and upland areas to the public.

3. We require a Georgia fishing license and Saltwater Information Program (SIP) permit.

* * * * *

■ 10. Amend § 32.32 by:

■ a. Adding paragraph B.6 under Crab Orchard National Wildlife Refuge.

■ b. Adding paragraph A.6, revising paragraphs B.1 and C.1, and removing paragraph C.3 under Cypress Creek National Wildlife Refuge.

■ c. Adding paragraph A.5, and revising paragraphs B and C.1 under Emiquon National Wildlife Refuge.

■ d. Revising paragraphs A, B, and C under Great River National Wildlife Refuge.

■ e. Adding paragraph A.4; revising paragraphs B.2 and C.1; removing paragraph C.3; and redesignating paragraphs C.4, C.5, and C.6 as C.3, C.4, and C.5, respectively, under Middle Mississippi River National Wildlife Refuge.

■ f. Revising paragraphs A, B, and C, and adding paragraph D.6 under Port Louisa National Wildlife Refuge.

■ g. Revising the introductory text of paragraphs A, B, and C; adding paragraphs A.3 and B.3; and revising paragraphs B.2 and C.3 under Two Rivers National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.32 Illinois.

* * * * *

Crab Orchard National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

6. For hunting, you may use or possess only approved nontoxic shot shells (see § 32.2(k)).

* * * * *

Cypress Creek National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

6. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. * * *

1. Conditions A1, A2, A4, A5, and A6 apply.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1, A2, A4, and A5 apply. Condition A6 applies to wild turkey only.

* * * * *

Emiquon National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

5. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions A4 and A5 apply.

C. Big Game Hunting. * * *

1. Condition A4 applies. Condition A5 applies to wild turkey only.

* * * * *

Great River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot on the Long Island Division of the refuge in accordance with State and Federal regulations and subject to the following conditions:

1. We allow hunting only from blinds constructed on sites posted by the Illinois Department of Natural Resources.

2. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of small game, furbearers, and game birds on the Long Island, Fox Island, Cherry Box, and Hickory Creek Divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies.

2. We open refuge divisions for upland game hunting from ½ hour before legal sunrise to ½ hour after legal sunset.

3. We allow hunting with shotgun only during the Statewide upland game season.

4. We close Fox Island Division to all upland game hunting from October 16 through December 31.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated portions of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies, except for when hunting for white-tailed deer.

2. We prohibit construction or use of permanent blinds, platforms, or ladders (see § 27.92 of this chapter).

3. We only allow portable tree stands from September 1 through January 31 of each year. The hunter's full name, address, and State-generated hunter identification number must be permanently attached in a visible location on the stand. Limit one stand per hunter.

4. We prohibit hunting over or placing on the refuge any salt or other mineral blocks (see § 32.2(h)).

5. On the Fox Island Division, we only allow deer hunting during the Statewide archery deer season only.

6. On the Cherry Box and Hickory Creek divisions, we allow deer hunting during the Statewide archery deer season and special State-managed hunts.

7. On the Delair Division, we only allow deer hunting during special managed hunts and subject to the following conditions:

i. You must possess and carry a refuge permit (hunt letter) when hunting.

ii. You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Big Game Harvest Report (FWS Form 3–2359).

iii. Shooting hours end at 3 p.m. each day.

8. On the Long Island Division, we allow deer and turkey hunting in accordance with State seasons and regulations.

9. On the Fox Island, Cherry Box, and Hickory Creek Divisions, we allow turkey hunting during the state spring season, youth season, and fall archery season.

* * * * *

Middle Mississippi River National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

4. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. * * *

2. Condition A4 applies.

C. Big Game Hunting. * * *

1. Conditions A1 and A2 apply. Condition A4 applies to wild turkey only.

* * * * *

Port Louisa National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds

on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of migratory game birds on the Big Timber Division and Iowa River Corridor Lands. We prohibit hunting of migratory game birds on the Louisa, Horseshoe Bend, and Keithsburg Divisions.

2. You must remove boats, decoys, and portable blinds (see § 27.93 of this chapter) at the end of each day.

3. For hunting, you may use or possess only approved nontoxic shot shells (see § 32.2(k)).

4. On the Big Timber Division, we allow portable blinds on a daily basis at any location on first-come, first-served basis.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of upland game on the Big Timber, Keithsburg, and Horseshoe Bend Divisions, and on Iowa River Corridor Lands. We prohibit hunting of upland game on any other areas of the refuge.

2. Condition A3 applies to upland game. You may use lead shot to hunt turkey. We allow shotgun slug or muzzleloading rifle for hunting coyotes.

3. We only allow squirrel hunting on the Keithsburg Division from the beginning of the State season to September 15.

4. We allow hunting on the Horseshoe Bend Division from September 1 until September 15 and December 1 until the end of the State seasons. We allow spring turkey hunting.

5. We allow hunting on the Big Timber Division from September 1 until the end of the State seasons. We allow spring turkey hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of white-tailed deer only on Big Timber Division, on Horseshoe Bend Division, and on Iowa River Corridor Lands. We prohibit hunting of white-tailed deer on any other areas of the refuge.

2. We only allow the use of portable stands, and hunters must remove them at the end of each day (see § 27.93 of this chapter).

2. We close Horseshoe Bend Division to all public access from September 15 until December 1.

D. Sport Fishing. * * *

6. We allow sport fishing on Iowa River Corridor lands subject to the following condition: Condition D4 applies.

Two Rivers National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds only on the Apple Creek Division and the portion of the Calhoun Division east of the Illinois River Road in accordance with State regulations and subject to the following conditions:

* * * * *

3. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting for wild turkey, small game, furbearers, and nonmigratory game birds on the Apple Creek Division and the portion of the Calhoun Division east of the Illinois River Road in accordance with State regulations and subject to the following conditions:

* * * * *

2. We allow turkey hunting only on the Clarksville Island Division. We restrict turkey hunting to archery only in the fall and shotgun or archery in the spring.

3. Condition A3 applies.

C. Big Game Hunting. We allow hunting of white-tailed deer on the Apple Creek Division and the portion of the Calhoun Division east of the Illinois River Road in accordance with State regulations and subject to the following conditions:

* * * * *

3. We restrict white-tailed deer hunting on the Clarksville Island Division to archery only.

* * * * *

■ 11. Amend § 32.33 by:

■ a. Revising paragraphs B.4, C.1, C.7, and D.7 under Muscatatuck National Wildlife Refuge.

■ b. Revising the introductory text of paragraph C; revising paragraphs B.1, C.3, and D.2.iii; and adding paragraphs C.4, C.5, and C.6 under Patoka River National Wildlife Refuge and Management Area.

The additions and revisions read as follows:

§ 32.33 Indiana.

* * * * *

Muscatatuck National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

4. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

* * * * *

C. Big Game Hunting. * * *

1. Conditions B1, B5, and B7 apply. Condition B4 applies only to wild turkey.

* * * * *

7. We require all hunters to display a Big Game Harvest Report (FWS Form 3–2359), with name and date filled in, on their vehicle dashboard while hunting. Hunters may obtain a copy of the Big Game Harvest Report at registration boxes. Deer and turkey hunters must leave the completed form at a registration box before departing the refuge.

* * * * *

D. Sport Fishing. * * *

7. We allow only children younger than age 16 to fish in the Discovery Pond.

Patoka River National Wildlife Refuge and Management Area

* * * * *

B. Upland Game Hunting. * * *

1. Hunters must register to hunt furbearers at the refuge office, record the number of furbearers harvested on the Upland Game Hunt Report (FWS Form 3–2362), and return the completed form to the refuge office after the hunting season.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkey in accordance with State regulations and subject to the following conditions:

* * * * *

3. On the Columbia Mine Unit, you may only hunt white-tailed deer during the first week (7 days) of the following State-defined seasons: archery, firearms, and muzzleloader.

4. On the Columbia Mine Unit, you may only hunt wild turkey during the State-defined spring season. We prohibit fall season wild turkey hunting on the Columbia Mine Unit.

5. On the Columbia Mine Unit, you may leave portable tree stands overnight only when the unit is open to hunting and for a 2-day grace period before and after the special season.

6. Conditions A6 through A8 apply.

D. Sport Fishing. * * *

2.* * *

iii. The minimum size limit for largemouth bass on Snakey Point Marsh and on the Columbia Mine Unit is 14 inches (35.6 centimeters).

* * * * *

■ 12. Amend § 32.34 by:

■ a. Adding, in alphabetical order, an entry for Iowa Wetland Management District.

■ b. Revising the introductory text of paragraphs A and B, and adding paragraph C.5 under Northern Tallgrass Prairie National Wildlife Refuge.

■ c. Revising paragraphs A.1, A.2, A.3, A.4, B.2, B.4 and C; revising the introductory text of paragraph B; removing paragraph D.1; redesignating paragraphs D.2, D.3, and D.4 as D.1, D.2, and D.3, respectively; and revising newly designated paragraph D.2 under Union Slough National Wildlife Refuge.

The revisions and addition read as follows:

§ 32.34 Iowa.

* * * * *

Iowa Wetland Management District

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations and subject to the following condition: For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting throughout the district in accordance

with State regulations and subject to the following condition: For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

C. Big Game Hunting. We allow big game hunting throughout the district in accordance with State regulations.

D. Sport Fishing. [Reserved]

* * * * *

Northern Tallgrass Prairie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of ducks, geese, mergansers, coots, rails (Virginia and sora only), woodcock, snipe, and doves (mourning and Eurasian collared) on designated areas in accordance with State regulations and subject to the following conditions:

* * * * *

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, bobwhite quail, gray partridge, cottontail rabbit, squirrel (fox and gray), groundhog, raccoon, opossum, fox (red and gray), coyote, badger, striped skunk, and crow on designated areas in accordance with State regulations and subject to the following conditions:

* * * * *

C. Big Game Hunting. * * *

5. While hunting wild turkey, you may use only approved nontoxic shot shells (see § 32.2(k)).

* * * * *

Union Slough National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

1. We allow hunters on the refuge from 1 hour before legal sunrise until 1 hour after legal sunset.

2. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

3. We allow boats or other floating devices. We allow electric motors only. We prohibit the use of air-thrust boats. You may not leave boats unattended.

4. You may construct blinds using manmade materials or natural vegetation found on the refuge. We prohibit bringing plants or their parts onto the refuge.

* * * * *

B. Upland Game Hunting. We allow hunting of pheasant, gray partridge, cottontail rabbit, squirrel (fox and gray), groundhog, raccoon, opossum, fox, coyote, and crow on Buffalo Creek Bottoms, Schwob Marsh, and the Core Area in accordance with State regulations and subject to the following conditions:

* * * * *

2. We prohibit possession of shotgun slugs.

* * * * *

4. Conditions A2, A6, A7, and A8 apply.

C. Big Game Hunting. We allow hunting of deer and turkey on Buffalo Creek Bottoms, Schwob Marsh, and the Core Area in accordance with State regulations and subject to the following conditions:

1. Conditions B1 and A8 apply. Condition A2 applies only to wild turkey.

2. Deer hunters in the Core Area must possess a valid State deer hunting license and an unfilled State-issued transportation tag.

3. We allow portable tree stands, portable blinds, and freestanding elevated platforms to be left on the refuge from 7 days prior to the first deer hunting season; they must be removed prior to 7 days following the last deer hunting season. Turkey hunters must remove blinds and stands each day.

4. You must label portable tree stands, portable blinds, and freestanding elevated platforms with your name, address, and phone number if left unattended. The label must be legible from the ground.

5. You must remove any other personal property brought onto the area at the end of each day (see §§ 27.93 and 27.94 of this chapter).

6. We only allow deer hunters on the refuge from 1 hour before legal sunrise until 1 hour after legal sunset.

7. Deer hunters may possess only shot shells that shoot a single projectile (*i.e.,* slugs).

8. We prohibit turkey hunting in the Core Area at all times.

9. We only allow turkey hunters on the refuge from 1 hour before legal sunrise until 1 hour after legal sunset.

10. We allow the use of temporary stands, blinds, platforms, or ladders. You may construct blinds using manmade materials or natural vegetation found on the refuge. We prohibit bringing plants or their parts onto the refuge.

11. We prohibit entry into any closed area to retrieve downed game, unless the hunter has received written permission from the refuge manager.

D. Sport Fishing. * * *

2. We allow fishing from boats on the Buffalo Creek Bottoms; however, we prohibit the use of gasoline motors.

* * * * *

■ 13. Amend § 32.36 by revising the entry for Reelfoot National Wildlife Refuge to read as follows:

§ 32.36 Kentucky.

* * * * *

Reelfoot National Wildlife Refuge

Refer to § 32.62 Tennessee for regulations.

* * * * *

■ 14. Amend § 32.37 by:

■ a. Revising paragraphs A.1, A.10, A.15, B.4, and C.12 under Bayou Cocodrie National Wildlife Refuge.

■ b. Revising paragraphs A.5, B.1, and C.8, and adding paragraph B.5 under Big Branch Marsh National Wildlife Refuge.

■ c. Revising paragraphs A.3, A.4, A.7, A.9, B.4, B.5, and C.6; removing paragraphs C.7 and C.9; redesignating paragraphs C.8, C.10, C.11, and C.12 as C.7, C.8, C.9, and C.10, respectively; revising newly designated paragraphs C.7 and C.8; and adding paragraph D.8 under Bogue Chitto National Wildlife Refuge.

■ d. Revising paragraph A.2 under Cameron Prairie National Wildlife Refuge.

■ e. Revising paragraphs A.1, A.3, A.7, B.2, and C.3 under Cat Island National Wildlife Refuge.

■ f. Revising paragraph A.3 under Lacassine National Wildlife Refuge.

■ g. Revising paragraph A.3 under Sabine National Wildlife Refuge.

■ h. Redesignating paragraphs A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11, D.1, D.2, D.3, D.4, and D.5 as A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11, A.12, A.13, D.3, D.4, D.5, D.6, and D.7, respectively; revising newly designated paragraphs A.3, A.6, A.7, A.10, A.13, and D.6; revising paragraphs B.1, B.2,

B.5, B.6, C.2, C.3, C.4, C.5, C.6, C.9, C.14, and C.16; and adding paragraphs A.1, A.2, D.1, and D.2 under Tensas River National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Cocodrie National Wildlife Refuge

A. *Migratory Game Bird Hunting.*

* * *

1. We require that all hunters and anglers age 16 and older purchase an annual public use permit (name/address/telephone number). We waive the fee for individuals age 60 and older. The refuge user is required to sign, certifying that you understand and will comply with all regulations, and carry this permit at all times while on the refuge.

* * * * *

10. Refuge users must check all game taken before leaving the refuge at one of the self-clearing check stations indicated on the map in the refuge public use brochure (name only).

* * * * *

15. Each refuge user must obtain a daily use reporting card (one per person) and place it on the dashboard of their vehicle or in their boat where their personal information (name/city/state/zip code) is readable and in plain view. Users must complete all the information requested (name/address/phone number) and return the cards to the refuge kiosk/check stations upon departure from the refuge.

* * * * *

B. Upland Game Hunting. * * *

4. While engaged in upland game hunting, we prohibit possession of hunting firearms (see § 27.42 of this chapter) larger than .22 caliber rimfire, shotgun slugs, or buckshot.

* * * * *

C. Big Game Hunting. * * *

12. There is a $5 application fee per person for the lottery gun hunt application (name/address/phone number).

* * * * *

Big Branch Marsh National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

5. You must possess and carry a valid refuge hunt permit (signed brochure).

* * * * *

B. Upland Game Hunting. * * *

1. We allow upland game hunting during the open State season using only approved nontoxic shot (see § 32.2(k)) size 4 or smaller or .17 or .22 caliber rimfire rifles or smaller.

* * * * *

5. All hunters, including archers (while on the ground), except waterfowl hunters must wear a hunter orange cap or hat during the dog season for squirrel and rabbit.

C. Big Game Hunting. * * *

* * * * *

8. Conditions A5 through A10, A12 through A18, and B5 apply.

* * * * *

Bogue Chitto National Wildlife Refuge

A. Migratory Bird Hunting. * * *

3. We allow public hunting on designated areas during the open State season for listed migratory game bird species. We designate areas where public use is restricted in the refuge hunt permit (signed brochure) or by designated signage.

4. When hunting for migratory game birds, we only allow dogs to locate, point, and retrieve.

* * * * *

7. We prohibit hunting within 150 feet (45.7 meters) from the centerline of any public road, refuge road, designated or maintained trail, building, residence, designated public facility, or from or across aboveground oil or gas or electric facilities. We prohibit hunting in refuge-designated closed areas, which we post on the refuge and identify in the refuge hunt permits.

* * * * *

9. We allow primitive camping within 100 feet (30.5 meters) of designated streams. These include either bank of the Boque Chitto River, Wilson Slough, and West Pearl River south of Wilson Slough, refuge lands along the East Pearl River, and Holmes Bayou. Campers must mark their campsite with the owner's name, address, phone number, and dates of occupancy placed in a conspicuous location in the center of camp.

* * * * *

B. Upland Game Hunting. * * *

4. All hunters in Louisiana (including archery hunters and small game hunters), except waterfowl hunters, must wear and display not less than 400 square inches (2,580.6 square centimeters) of unbroken hunter-orange as the outermost layer of clothing on the chest and back and a hunter-orange cap during deer gun seasons. We require all deer hunters to display a minimum of 400 square inches (2,580.6 square centimeters) of hunter-orange or a hunter-orange cap or hat while walking to and from elevated stands. All hunters in Mississippi must wear not less than 500 square inches (3,225.8 square centimeters) of hunter-orange in place of the 400 square inches (2,580.6 square centimeters) requirement described for Louisiana. All hunters, including archers (while on the ground), except waterfowl hunters, must wear a hunter-orange cap during the dog season for squirrels and rabbits. Deer hunters hunting from concealed blinds must display a minimum of 400 square inches (2,580.6 square centimeters) of hunter-orange above or around their blinds that is visible from 360 degrees.

5. Conditions A5 through A17 apply, except you may use .22- caliber rifles or smaller, and the nontoxic shot in your possession while hunting must be size 4 or smaller (see § 32.2(k)).

C. Big Game Hunting. * * *

6. Legal primitive weapons/firearms used for hunting during the primitive weapons/firearm season are defined by State regulation.

7. We prohibit the use of dogs unless noted otherwise.

8. You may take hog as incidental game while participating in the refuge archery, primitive weapon, and general gun deer hunts and where otherwise specified. We list specific dates for the special hog hunts in February and March in the refuge hunt permit (signed brochure). During the special hog hunts in February, you must use trained hog-hunting dogs to aid in the take of hog. During the special hog hunts, you may take hog from ½ hour before legal sunrise until ½ hour after legal sunset, and you must use pistol or rifle ammunition not larger than .22 caliber rimfire or shotgun with nontoxic shot to take the hog after it has been caught by dogs (see § 32.2(k)). During the special hog hunt in March, you may use any legal hunting firearm. Condition A8 applies during special hog hunts in February.

* * * * *

D. Sport Fishing. * * *

8. The Pearl River Turnaround area, when open, is daylight use only.

* * * * *

Cameron Prairie National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We prohibit entrance to the waterfowl hunting area earlier than 4 a.m. Shooting hours for waterfowl hunts end at 2 p.m. each day.

* * * * *

Cat Island National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

1. We require that all hunters and anglers age 16 and older purchase an

annual public use permit (name/address/telephone number). We waive the fee for hunters age 65 and older. The refuge user is required to sign, certifying that you understand and will comply with all regulations, and carry this permit at all times while on the refuge.

* * * * *

3. You may possess only approved nontoxic shot while hunting on the refuge (see § 32.2(k)). This requirement applies only to the use of shotgun ammunition.

* * * * *

7. Refuge users must check all game (name) taken prior to leaving the refuge at one of the self-clearing check stations indicated on the map in the refuge public use brochure.

* * * * *

B. Upland Game Hunting. * * *

2. While upland game hunting, we prohibit the possession of hunting firearms larger than 0.22 caliber rimfire, shotgun slugs, and buckshot (see § 27.42 of this chapter).

* * * * *

C. Big Game Hunting. * * *

3. There is a $5 application fee per person for each lottery hunt application (name/address/phone number).

* * * * *

Lacassine National Wildlife Refuge

A. Migratory Bird Hunting. * * *

3. We prohibit entrance to the waterfowl hunting area earlier than 4 a.m. Shooting hours end at 2 p.m. each day.

* * * * *

Sabine National Wildlife Refuge

A. Migratory Bird Hunting. * * *

3. We prohibit entrance to the waterfowl hunting area earlier than 4 a.m. Shooting hours end at 2 p.m. each day.

* * * * *

Tensas River National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. Hunters must possess and carry a signed refuge access permit (signed brochure) when hunting.

2. We require that all hunters must check-in/check out daily at their closest entrance point using the Visitor Check-in Permit and Report (FWS Form 3–2405) for all recreational activities.

3. We allow hunting of duck and coot on Tuesdays, Thursdays, Saturdays, and Sundays until 2:00 p.m. during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

* * * * *

6. We allow hunting shotguns equipped with a single-piece magazine plug that allows the gun to hold no more than two shells in the magazine and one in the chamber. We prohibit target practicing or shooting to unload modern firearms on the refuge at any time. Shotgun hunters must possess only an approved nontoxic shot when hunting migratory birds (see § 32.2(k)). Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

7. We prohibit permanent or pit blinds on the refuge. You must remove all blind materials and decoys by 2 p.m. daily.

* * * * *

10. We allow all-terrain vehicle (ATV) travel on designated trails for access typically from September 15 to the last day of the refuge squirrel season. We open designated trails from 4 a.m. to no later than 2 hours after legal sunset unless otherwise specified. We define an ATV as an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: Weight 750 pounds (337.5 kilograms), length 85 inches (212.5 centimeters (cm)), and width 48 inches (121.9 cm). We restrict ATV tires to those no larger than 25 inches (62.5 cm) x 12 inches (30 cm) with a 1-inch (2.5 cm) lug height and maximum allowable tire pressure of 7 psi. We require a permanently affixed refuge ATV permit that hunters may obtain from the refuge headquarters. Hunters/anglers using the refuge handicapped all-terrain trails must possess the State's Physically Challenged Program Hunter Permit or be age 60 or older. Additional physically challenged access information will be available at the refuge headquarters.

* * * * *

13. An adult at least age 18 must supervise youth hunters younger than age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters younger than age 16 do not engage in conduct that would constitute violation of refuge regulations.

B. Upland Game Hunting. * * *

1. We allow nighttime raccoon hunting beginning typically the third Saturday in December and typically ending the third Sunday in January. We allow raccoon hunters to hunt from legal sunset to legal sunrise with the aid of dogs, horses, mules, and use of lights. We allow such use of lights on the refuge only at the point of kill. We prohibit all other use of lights for hunting on the refuge. Hunt dates will be available at refuge headquarters typically in July. We prohibit ATVs during the raccoon hunt. Hunters must attempt to take treed raccoons.

2. We allow squirrel and rabbit hunting with and without dogs. We will allow hunting without dogs from the beginning of the State season to a date typically ending the day before the refuge deer firearms hunt. We do not require hunters to wear hunter orange during the squirrel and rabbit season without dogs. Squirrel and rabbit hunting with or without dogs will begin typically the second Monday in January and will conclude the last day of February, but will re-open for Louisiana State Spring Season, typically during May. We require a minimum of a solid-hunter-orange cap during the squirrel season with or without dogs. We allow no more than three dogs per hunting party.

* * * * *

5. When hunting, we allow .22 caliber and smaller rimfire weapons or shotguns equipped with a single-piece magazine plug that allows the shotgun to hold no more than two shells in the magazine and one in the chamber. We prohibit target practicing or shooting to unload modern firearms on the refuge at any time. Shotgun hunters must possess only an approved nontoxic shot when hunting upland game (see § 32.2(k)). Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

6. Conditions A1, A2, A4, A8, A9, A10, A11, A12, and A13 apply.

C. Big Game Hunting. * * *

2. The deer primitive firearms season will occur between November 1 and January 31. Legal primitive firearms for primitive season include:

i. Hunting rifles, .44 caliber minimum, all of which must load exclusively from the muzzle or cap and ball cylinder; use of black powder or approved substitute only; use of ball or bullet projectile only, including saboted bullets, including muzzleloaders known as ''in line'' muzzleloaders; and

ii. Single-shot, breech-loading hunting rifles, .35 caliber or larger of a kind or

type manufactured prior to 1900 and relics, reproductions, or reintroductions of that type of rifle having an exposed hammer that use metallic cartridges loaded with black powder or modern smokeless powder.

3. During the deer primitive firearms season, hunters may fit any legal primitive hunting firearm with magnified scopes. We allow hunters using primitive weapons described as muzzleloader (including in-line) (see C.2.i.) to hunt reforested areas. We prohibit hunters using primitive weapons described in C.2.ii. from hunting in reforested areas.

4. We will conduct two quota-modern-firearms hunts for deer typically in the months of November and/or December. We will make hunt dates and permit application procedures available at refuge headquarters no later than August. We restrict hunters using a primitive firearm during this hunt access to areas where we allow modern firearms. We prohibit hunting and/or shooting into or across any reforested area during the quota hunt for deer. We require a quota hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) for these hunts.

5. We will conduct guided quota youth deer hunts and guided quota deer hunts for full-time wheelchair users in the Greenlea Bend area typically in December and January. We will make hunt dates and permit application procedures (Quota Deer Hunt Application, FWS Form 3–2354) available at the refuge headquarters typically in July. For the guided quota youth hunts, we consider youth to be ages 8 through 15.

6. We will conduct a refuge-wide youth deer hunt. We will make hunt dates available at refuge headquarters typically in July. An adult at least age 18 must supervise youth hunters younger than age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters younger than age 16 do not engage in conduct that would constitute violation of refuge regulations.

* * * * *

9. Conditions A1, A2, A4, A8, A9, A10, A11, and A12 apply.

* * * * *

14. We require deer hunters using primitive firearms or modern firearms to display 400 square inches (2,580.6 square centimeters) of solid hunter-orange consisting of a solid-hunter-orange cap on their head and a solid hunter-orange vest over their outermost garment covering their chest and back. Hunters must display the solid-hunter-orange items the entire time while in the field.

* * * * *

16. We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

* * * * *

D. Sport Fishing. * * *

1. Anglers must possess and carry a signed refuge access permit (signed brochure) when fishing.

2. We require that all anglers must check-in/check out daily at their closest entrance point using the Visitor Check-in Permit and Report (FWS Form 3–2405) for all recreational activities.

* * * * *

6. Conditions A8, A9, and A11 apply.

* * * * *

■ 15. Amend § 32.38 by:

■ a. Revising the introductory text of paragraph A; redesignating paragraphs B.1, B.2, B.3, B.4, D.4, D.5, and D.6 as B.3, B.4, B.5, B.6, D.5, D.7, and D.8, respectively; revising the newly designated paragraph B.3; revising paragraphs C.1, D.1, and newly designated D.7; and adding paragraphs B.1, B.2, D.4, and D.6 under Moosehorn National Wildlife Refuge.

■ b. Revising paragraphs A.1, C.1, and C.7; redesignating paragraphs D.10, D.11, D.12, D.13, and D.14 as D.11, D.12, D.13, D.14, and D.15, respectively; and adding paragraph D.10 under Rachel Carson National Wildlife Refuge.

■ c. Revising paragraph C.6 under Umbagog National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.38 Maine.

* * * * *

Moosehorn National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, American woodcock, and Wilson's snipe on designated areas of the Baring and Edmunds Division of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

B. Upland Gaming Hunting. * * *

1. We require every hunter to possess and carry a personally signed Big/Upland Game Hunt Application (FWS Form 3–2356). Permits and regulations are available from the refuge in person during normal business hours (8 a.m. to 4:30 p.m. Monday through Friday; closed on holidays) or by contacting the Project Leader at (207) 454–7161, or by mail (Moosehorn National Wildlife Refuge, 103 Headquarters Road, Baring, ME 04694).

2. You must annually complete a Big Game Harvest Report (FWS Form 3–2359) and submit it by mail or in person at the refuge headquarters no later than 2 weeks after the close of the hunting season in March. If you do not comply with this requirement, we may suspend your future hunting privileges on Moosehorn National Wildlife Refuge.

3. Conditions A9, A11, and A12 apply.

* * * * *

C. Big Game Hunting. * * *

1. Conditions B1, B2, A11, and A12 apply.

* * * * *

D. Sport Fishing. * * *

1. We prohibit use of motorized or mechanized vehicles, boats, and equipment in designated Wilderness Areas. This includes all vehicles, boats, and items such as snowmobiles and motorized ice augers (Bearce and Conic Lakes).

* * * * *

4. We allow ice fishing in the following areas on the Baring Division of the refuge: Bearce Lake, Conic Lake, James Pond, and Vose Pond.

* * * * *

6. We allow ice fishing in the following areas on the Edmunds Division of the refuge: Hobart Lake (within the refuge boundary).

7. We prohibit fishing on the stretch of Moosehorn Stream on the Baring Division that lies west of the Charlotte Road and north of Moosehorn Ridge Road.

* * * * *

Rachel Carson National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. Prior to entering designated refuge hunting areas, you must obtain a Migratory Bird Hunt Application (FWS Form 3–2357), pay a recreation fee, and sign and carry the permit at all times.

* * * * *

C. Big Game Hunting. * * *

1. Prior to entering designated refuge hunting areas, you must obtain a Big/Upland Game Hunt Application (FWS Form 3–2356), pay a recreation fee and

sign and carry the permit at all times. Conditions A.4 and A.7 apply.

* * * * *

7. We allow hunting of fox and coyote with archery or shotgun with a refuge big game permit, during State firearm deer season.

D. Sport Fishing. * * *

10. We allow car-top launching from legal sunrise to legal sunset at Little River division at the end of Granite Point Road into the Little River.

* * * * *

Umbagog National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

6. We allow only temporary tree stands and blinds, and they may be erected no earlier than August 1 and must be removed by December 31. We prohibit nails, screws, or screw-in climbing pegs to build or access a stand or blind (see § 32.2(i)). You must mark your tree stand and/or blind with your full name and address.

* * * * *

■ 16. Amend § 32.39 by:

■ a. Revising paragraphs A.1, A.2, A.3, A.4, A.5, A.10, A.11, C, D.3, and D.5 under Blackwater National Wildlife Refuge.

■ b. Revising paragraphs C and D under Eastern Neck National Wildlife Refuge.

■ c. Removing paragraphs A.9.v, B.5, B.6, B.7, B.8, B.9, B.10, and D.15.vi; redesignating paragraphs D.15.vii and D.15.viii as D.15.vi and D.15.vii, respectively; revising newly designated paragraph D.15.vi.d; revising the introductory text of paragraph B; revising paragraphs A.8, A.9 introductory text, A.9.iii, A.9.iv, A.12, C, D.1, D.2, D.4, D.5, D.6, D.14.ii, D.15.iv, and D.15.v under Patuxent Research Refuge.

The additions and revisions read as follows:

§ 32.39 Maryland.

* * * * *

Blackwater National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We require you to obtain a refuge waterfowl hunting permit using the Waterfowl Lottery Application (FWS Form 3–2355).

2. We require you to abide by the terms and conditions of the refuge permit and brochure. Hunters are subject to inspections by law enforcement officials and may have their permits revoked if they are found to be in violation of § 32.2 or other Federal and State laws.

3. We allow only hunters possessing a permit issued by the refuge to participate in the waterfowl hunt during designated days.

4. We require hunters to possess on their person a printed valid Maryland hunting license and all required stamps, a valid form of government-issued photo identification, and a printed valid hunting permit issued by the refuge at all times while on refuge property.

5. The use of common reed (*Phragmites australis*) in any manner is prohibited.

* * * * *

10. We allow the use of trained dogs by hunters to retrieve game on designated waterfowl hunt days. We require that hunters have dogs not engaged in retrieving waterfowl under control or confined to a vehicle, boat, kennel, blind area, or other container.

11. We require all hunters and hunt parties to remain within their designated hunt site or unit while hunting.

* * * * *

C. Big Game Hunting. We allow the hunting of white-tailed and sika deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require you to obtain a deer or turkey hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356 or Quota Deer Hunt Application FWS Form 3–2354).

2. We allow only hunters possessing a valid permit issued by the refuge to hunt/scout during designated days.

3. We require hunters to possess on their person at all times while on refuge property, a printed valid Maryland hunting license and all required stamps, a valid form of government-issued photo identification, and a printed valid hunting permit issued by the refuge.

4. We require hunters to notify and receive permission from a Service law enforcement officer, refuge manager, or designee if they need to enter a refuge closed area to retrieve game.

5. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

6. We prohibit the use of boats, flotation devices, all-terrain vehicles (ATVs), motorized off-road vehicles, and amphibious vehicles to access the refuge unless authorized by the refuge manager for use by disabled hunters.

7. We prohibit screw-in steps, spikes, or other objects that may damage trees (see § 32.2(i)).

8. We prohibit hunting from a permanently constructed tree stand or blind.

9. We allow the use of temporary tree stands and blinds for hunting. All stands and blinds left on refuge property, unoccupied, must be tagged in plain sight with your permit number and the years that are printed on your permit. We require you to remove all stands and blinds by legal sunset of a date established annually by the refuge manager. We are not responsible for damage, theft, or use of the stand by other hunters (see § 27.93 of this chapter).

10. We prohibit organized deer drives, unless otherwise authorized by the refuge manager.

11. Hunters may use marking devices, including flagging or tape, but they must remove them by legal sunset of date established annually by the refuge manager (see § 27.93 of this chapter). We prohibit paint or any other permanent marker to mark trails.

12. We require all disabled hunters to provide certification of their disability.

13. Disabled persons may have an assistant during the hunt in designated areas of the refuge. Persons assisting disabled hunters must be at least age 18 and obey all refuge, State, and Federal laws and regulations. Persons assisting disabled hunters must not be afield with a hunting firearm, bow, or other hunting device.

14. Hunters may use bicycles to access hunt areas on designated hunt/scout days. We prohibit hunters taking bicycles off of designated roads and trails while on refuge lands.

15. We require that you abide by the terms and conditions of the refuge permit and brochure. Hunters are subject to inspection by law enforcement officials and may have their permits revoked if we find them to be in violation of § 32.2 or other Federal and State laws.

16. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road.

17. We require you to make a reasonable effort to retrieve all wounded or killed game and include it in your daily bag limit. We prohibit leaving deer entrails or other waste within 50 feet (15.2 meters) of any road, trail, or refuge structure on the refuge.

18. We require that all deer harvested be checked in at the refuge-sponsored check station during hunt days when the refuge-sponsored check station is being operated. If you fail to check your deer during the check station business hours, you must report your harvest through the State-sponsored big game check-in system within 24 hours of harvest.

19. We prohibit parking in front of any open or closed gate. Parked vehicles may not impede any road traffic.

D. Sport Fishing. * * *

3. We require you to possess a printed valid Maryland sport fishing license, all required stamps, and a valid form of government-issued photo identification while fishing on the refuge. We do not require a refuge permit to fish on the refuge.

* * * * *

5. We prohibit boat launching from refuge lands except from the car-top boat launch located near the Blackwater River Bridge on Route 335.

* * * * *

Eastern Neck National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State hunting regulations and subject to the following conditions:

1. We require you to obtain a deer or turkey hunting permit using the Big/Upland Game Hunt Application (FWS Form 3–2356).

2. We allow only hunters possessing a valid permit issued by the refuge to hunt/scout during designated days.

3. We require hunters to possess on their person at all times while on refuge property a printed valid Maryland hunting license and all required stamps, and a valid form of government-issued photo identification. On scout days, we require hunters to place their printed refuge permit on the dash of their vehicle in plain view. On hunt days, we require hunters to have a printed valid refuge permit on their person.

4. We require hunters to notify and receive permission from a Service law enforcement officer, refuge manager, or designee if they need to enter a closed area to retrieve game.

5. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

6. We prohibit the use of boats, flotation devices, all-terrain vehicles (ATVs), motorized off-road vehicles, and amphibious vehicles to access the refuge, unless authorized by the refuge manager for use by disabled hunters.

7. We prohibit screw-in steps, spikes, or other objects that may damage trees (see § 32.2(i)).

8. We prohibit hunting from a permanently constructed tree stand or blind.

9. We allow the use of temporary tree stand and blinds for hunting. All stands and blinds left on refuge property, unoccupied, must be tagged in plain sight with your permit number and the years that are printed on your permit. We require you to remove all stands and blinds by legal sunset of a date established annually by the refuge manager. We are not responsible for damage, theft, or use of the stand by other hunters (see § 27.93 of this chapter).

10. We allow use of marking devices, including flagging or tape, but hunters must remove them by legal sunset of a date established annually by the refuge manager (see § 27.93 of this chapter). We prohibit paint or any other permanent marker to mark trails.

11. We require all disabled hunters to provide certification of their disability.

12. Disabled persons may have an assistant during the hunt on designated areas of the refuge. Persons assisting disabled hunters must be at least age 18 and obey all refuge, State, and Federal laws and regulations. Persons assisting disabled hunters must not be afield with a hunting firearm, bow, or other hunting device.

13. We require that you abide by the terms and conditions of the refuge permit and brochure. Hunters are subject to inspection by law enforcement officials and may have their permits revoked if we find them to be in violation of § 32.2 or other Federal and State laws.

14. We allow parking only in designated parking areas.

15. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road.

16. We require you to make a reasonable effort to retrieve all wounded or killed game and include it in your daily bag limit. We prohibit leaving deer entrails or other waste within 50 feet (15.2 meters) of any road, trail, or refuge structure on the refuge.

17. We prohibit parking in front of any open or closed gate. Parked vehicles may not impede any road traffic.

D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing from the Eastern Neck Island Bridge and the Tundra Swan Boardwalk.

2. We allow fishing and crabbing from designated shore line areas located at the Ingleside Recreation Area from legal sunrise to legal sunset, April 1 through September 30.

3. We allow fishing from designated shoreline areas located at the Chester River end of Boxes Point and Duck Inn Trails from legal sunrise to legal sunset.

4. We require you to possess a printed valid Maryland sport fishing license and all required stamps, and valid form of government-issued photo identification while fishing on the refuge. We do not require a refuge permit to fish on the refuge.

5. We require anglers to attend all fish and crab lines.

6. We prohibit boat launching from refuge lands except for canoes/kayaks at the canoe/kayak ramp located at the Ingleside Recreation Area.

Patuxent Research Refuge

A. Migratory Game Bird Hunting.

* * *

8. We restrict you to the selected area until you check out at the HCS.

9. We prohibit hunting on or across any road (paved, gravel, dirt, opened and/or closed) or within 50 yards (45.7 meters) of a road (paved, gravel, dirt, opened and/or closed), within 150 yards (137.2 meters) of any building or shed, and within 25 yards (22.5 meters) from any designated ''No Hunting'' and ''Safety Zone'' areas, except:

* * * * *

iii. You may hunt waterfowl (goose/duck) from any permanent photo/hunt blind on North Tract.

iv. You may hunt from the roadside, except on the Wildlife Loop and Bald Eagle Drive, at designated areas, if you possess a Maryland Department of Natural Resources issued ''Universal Disability Pass.''

* * * * *

12. We prohibit hunting of goose, duck, and dove during the deer firearms seasons and the early muzzleloader season. The only exceptions are that Blue Heron Pond, Lake Allen, and Area Z will remain open for duck hunters and the Junior Waterfowl hunt day during the early muzzleloader season.

* * * * *

B. Upland Game Hunting. We allow hunting of gray squirrel, eastern cottontail rabbit, and woodchuck on the North Tract and turkey on the Central Tract in accordance with State regulations and subject to the following conditions:

* * * * *

C. Big Game Hunting. We allow hunting of turkey on North Tract only and white-tailed deer on the North, Central, and South Tracts in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A10i apply.

2. Spring turkey hunters are exempt from wearing hunter orange.

3. We allow the use of bow and arrow for turkey hunting.

4. We require turkey hunters to use #4, #5, or #6 nontoxic shot or vertical bows (see § 32.2(k)).

5. We select turkey hunters by a lottery for youth, disabled, and general

public hunts. We require Maryland Department of Natural Resources-required documentation to accommodate hunters with disabilities.

6. We require turkey hunters to pattern their weapons prior to hunting. Contact refuge headquarters for more information.

7. Prior to issuing a hunt permit, we require you to pass a yearly proficiency test with each weapon used. See A1 for issuing information.

8. We only allow the use of a shotgun, muzzleloader, or bow and arrow according to refuge hunting regulations.

9. We require hunters to secure longbows, recurve bows, compound bows, and crossbows in accordance with State regulations.

10. We prohibit possession or use of buckshot for hunting.

11. We require bow hunters to wear fluorescent-orange color in accordance with State regulations when moving to and from their vehicle to their deer stand or their hunting spot and while tracking or dragging out their deer. We do not require bow hunters to wear fluorescent-orange when in position to hunt except during the North Tract Youth Firearms Deer Hunts, the muzzleloader seasons, and the firearms seasons, when they must wear it at all times. You must wear fluorescent orange when stalking or ''still hunting.''

12. All bucks harvested must have a 15-inch (37.5-centimeter) minimum outside antler spread.

13. We allow hunting in the Schafer Farm, Central Tract, and South Tract. You must hunt using a portable tree stand, which must be at least 10 feet (3 meters) off the ground and equipped with a full-body safety harness. You must wear the full-body safety harness while in the tree stand. We will make limited accommodations for disabled hunters for Central Tract lottery hunts.

14. We allow hunting in the North Tract. You may hunt from the ground or using a portable tree stand. You must wear a full-body safety harness while in the tree stand.

15. We prohibit the use of dogs to hunt or track wounded deer.

16. If you wish to track wounded deer beyond 2 hours after legal sunset, you must gain consent from a Federal wildlife officer. We prohibit tracking 3 hours after legal sunset. You must make a reasonable effort to retrieve the wounded deer, which includes next-day tracking. There is no tracking on Sundays and Federal holidays except on a case-by-case basis. Hunters authorized to track on Sundays or Federal holidays must be accompanied afield by a Federal wildlife officer.

17. We prohibit deer drives or anyone taking part in any deer drive. We define a ''deer drive'' as an organized or planned effort to pursue, drive chase, or otherwise frighten or cause deer to move in the direction of any person or persons who are part of the organized or planned hunt and known to be waiting for the deer. We also prohibit organized deer drives without a standing hunter.

18. North Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following: Conditions C1 through C17 apply.

19. Central Tract: Headquarters/MR Lottery Hunt: We only allow shotgun and bow hunting in accordance with the following: Conditions C1 through C16 apply (except C8).

20. South Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following:

i. Conditions C1 through C17 apply.

ii. You must access South Tract hunting areas A, B, and C off Springfield Road through the Old Beltsville Airport; and South Tract hunting area D from MD Rt. 197 through Gate #4. You must park in designated parking areas.

iii. We prohibit driving or parking along the entrance and exit roads to and from the National Wildlife Visitor Center, and parking in the visitor center parking lot when checked in to hunt any area.

D. Sport Fishing. * * *

1. We require all anglers, age 16 and older, to present their current Maryland State nontidal fishing license and complete the Fishing/Shrimping/Crabbing Application (FWS Form 3–2358). Anglers age 18 and older will receive a free Patuxent Research Refuge Fishing Pass. Organized groups must complete the Fishing/Shrimping/Crabbing Application (FWS Form 3–2358), and the group leader must stay with the group at all times while fishing.

2. We publish the refuge fishing regulations, which include the daily and yearly creel limits and fishing dates, in early January. We provide a copy of the regulations with your free Fishing Pass, and we require you to know the specific fishing regulations.

* * * * *

4. Anglers must display the Fishing Pass in the vehicle windshield while fishing.

5. We require anglers, ages 16 and 17, to have a parent or guardian cosign the Fishing/Shrimping/Crabbing Application (FWS From 3–2358).

6. An adult age 21 or older possessing a Fishing Pass must accompany anglers age 17 or younger in the field; they must maintain visual contact with each other within a 50-yard (45.7-meters) distance; and they may take 3 youths, age 15 or younger, to fish under their Fishing Pass.

* * * * *

14. * * *

ii. We allow sport fishing year-round at Lake Allen, Blue Heron Pond, Rieve's Pond, New Marsh, Cattail Pond, and Little Patuxent River (downstream only from Bailey's Bridge) except Mondays through Saturdays September 1 through January 31 during the hunting season. We also reserve the right to close Lake Allen at any time.

* * * * *

15. * * *

iv. Anglers may fish from April 1 until mid-October, as posted.

v. We allow fishing legal sunrise to legal sunset.

vi. * * *

d. Maryland State law requires personal flotation devices and whistle and/or horn in boats.

* * * * *

§ 32.41 [Amended]

■ 17. Amend § 32.41 by removing paragraphs B.1 and B.2, and redesignating paragraph B.3 as B.1 under Seney National Wildlife Refuge.

■ 18. Amend § 32.42 by:

■ a. Revising paragraphs B.1 and B.4; removing paragraph C.4; redesignating paragraphs B.5, B.6, and C.5 as B.6, B.7, and C.4, respectively; adding paragraph B.5; and revising newly designated paragraph C.4 under Big Stone National Wildlife Refuge.

■ b. Adding paragraph A.6, and revising paragraph B under Big Stone Wetland Management District.

■ c. Adding paragraph A.6, and revising paragraph B under Detroit Lakes National Wildlife Refuge.

■ d. Adding paragraph A.7, and revising paragraph B under Fergus Falls Wetland Management District.

■ e. Adding paragraph A.3, revising paragraph B.2, and removing paragraph B.3 under Glacial Ridge National Wildlife Refuge.

■ f. Adding paragraph A.6, and revising paragraph B under Litchfield Wetland Management District.

■ g. Revising the introductory text of paragraph D; revising paragraphs A.5, A.6, B, C, D.3, and D.4; and adding paragraphs A.7, A.8, A.9, and D.5 under Minnesota Valley National Wildlife Refuge.

■ h. Adding paragraph A.5, and revising paragraph B under Morris Wetland Management District.

■ i. Revising the introductory text of paragraphs A, B, and C; revising paragraphs A.1, B.4, and C.2; and

adding paragraphs A.9 and C.4 under Northern Tallgrass Prairie National Wildlife Refuge.

■ j. Revising the introductory text of paragraphs C and D; removing paragraphs C.4 and D.2; and redesignating paragraphs C.5, D.3, and D.4 as C.4, D.2, and D.3, respectively, under Rice Lake National Wildlife Refuge.

■ k. Revising paragraphs A.2, B.3, and C.7; adding paragraph A.8; removing paragraph C.8; and revising the introductory text of paragraph D under Sherburne National Wildlife Refuge.

■ l. Revising paragraphs B.2, B.3, and B.5; redesignating paragraph D.6 as D.7; and adding paragraphs A.5 and D.6 under Tamarac National Wildlife Refuge.

■ m. Removing paragraph A.11; redesignating paragraphs A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.12, A.13, A.14, A.15, A.16, A.17, D.1, D.2, D.3, D.4, D.5, and D.6 as A.3, A.4, A.5, A.7, A.8, A.9, A.10, A.11, A.12, A.14, A.15, A.16, A.17, A.18, A.19, D.2, D.3, D.4, D.5, D.6, and D.7, respectively; revising newly designated paragraphs A.5, A.10, A.12, A.16, A.17, D.3, D.6, and D.7; revising paragraphs B and C; and adding paragraphs A.2, A.6, A.13, D.1, and D.8 under Upper Mississippi River National Wildlife and Fish Refuge.

■ n. Adding paragraph A.6, and revising paragraphs B and C.1 under Windom Wetland Management District.

The additions and revisions read as follows:

§ 32.42 Minnesota.

* * * * *

Big Stone National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

1. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

* * * * *

4. You may only hunt fox and raccoon from ½ hour before legal sunrise until legal sunset in accordance with the beginning of the State season through the last day of February.

5. You may only hunt striped skunk from ½ hour before legal sunrise until legal sunset from September 1 through the last day of February.

* * * * *

C. Big Game Hunting. * * *

4. Conditions B6 and B7 apply. Condition B1 applies only to wild turkey.

* * * * *

Big Stone Wetland Management District

A. Migratory Game Bird Hunting. * * *

6. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting throughout the district in accordance with State regulations and subject to the following condition: Conditions A3 through A6 apply.

* * * * *

Detroit Lakes Wetland Management District

A. Migratory Game Bird Hunting. * * *

6. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting in accordance with State regulations throughout the district (except that we allow no hunting on the refuge headquarters Waterfowl Production Area [WPA] in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County) and subject to the following condition: Conditions A3 through A6 apply.

* * * * *

Fergus Falls Wetland Management District

A. Migratory Game Bird Hunting. * * *

7. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting throughout the district (except that we prohibit hunting on the Townsend, Mavis, Gilmore, and designated portions of Knollwood Waterfowl Production Areas (WPAs) in Otter Tail County, and Larson WPA in Douglas County) in accordance with State regulations and subject to the following condition: Conditions A2, A3, A6, and A7 apply.

* * * * *

Glacial Ridge National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

3. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. * * *

2. Conditions A2 and A3 apply.

* * * * *

Litchfield Wetland Management District

A. Migratory Game Bird Hunting. * * *

6. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow upland game hunting throughout the district (except we prohibit hunting on that part of the Phare Lake Waterfowl Production Area in Renville County) in accordance with State regulations and subject to the following condition: Conditions A1, A4, A5, and A6 apply.

* * * * *

Minnesota Valley National Wildlife Refuge

A. Migratory Bird Hunting. * * *

5. We prohibit entry into the refuge earlier than 2 hours before legal shooting time and require hunters to leave the refuge no later than 1 hour after legal shooting time.

6. We prohibit camping.

7. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

8. We prohibit hunting during the State spring goose hunt.

9. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of ruffed grouse, gray partridge, ring-necked pheasant, American crow, squirrel (gray, fox, and red), snowshoe hare, cottontail rabbit, jackrabbit, raccoon, fox (red and gray), striped skunk, coyote, opossum, and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A7 and A9 apply.

2. We prohibit single projectile ammunition for hunting upland game and furbearers, except that we allow hunters to use small-caliber rimfire rifles and handguns (.22 caliber and smaller) on designated areas of the refuge.

3. We prohibit the use of dogs for hunting furbearers.

4. You may only hunt fox, opossum, and raccoon from ½ hour before legal sunrise until legal sunset, in accordance

with the beginning of the State season through the last day of February, on designated areas of the refuge.

5. You may only hunt coyotes and skunks from ½ hour before legal sunrise until legal sunset, from September 1 through the last day of February, on designated areas of the refuge.

6. You may only hunt crow during the State's fall crow season, on designated areas of the refuge.

7. We require hunters to wear at least one article of blaze-orange clothing visible above the waist.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A6 apply.

2. Hunters must remove all personal property, which include portable stands, climbing sticks, decoys, game cameras, and blinds, brought onto the refuge each day (see §§ 27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on designated areas of the refuge during daylight hours in accordance with State regulations and subject to the following conditions:

* * * * *

3. You must remove all ice fishing shelters and all other personal property from the refuge each day (see §§ 27.93 and 27.94 of this chapter).

4. We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

5. Condition A6 applies.

* * * * *

Morris Wetland Management District

A. Migratory Game Bird Hunting.

* * *

5. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of upland game, except that we prohibit hunting on the designated portions of the Edward-Long Lake Waterfowl Production Area in Stevens County, in accordance with State regulations and subject to the following condition: Conditions A2 through A5 apply.

* * * * *

Northern Tallgrass Prairie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, merganser, moorhen, coot, rail (Virginia and sora only), woodcock, common snipe, mourning dove, and sandhill crane in accordance with State regulations and subject to the following conditions:

1. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

* * * * *

9. For the Spieker tract in Clay County, you must follow the Clay County Game Refuge regulations.

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, Hungarian partridge, prairie chicken, spruce grouse, ruffed grouse, sharp-tailed grouse, rabbit (cottontail and jack), snowshoe hare, squirrel (fox and gray), raccoon, opossum, fox (red and gray), badger, coyote, bobcat, striped skunk, and crow on designated areas in accordance with State regulations and subject to the following conditions:

* * * * *

4. Conditions A1, A7, and A8 apply.

C. Big Game Hunting. We allow hunting of deer, elk, black bear, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

2. Conditions A3, A5, A7, and A8 apply. Condition A1 applies only to wild turkey.

* * * * *

4. We prohibit the use and distribution of bait and hunting over bait (see § 32.2(h)).

* * * * *

Rice Lake National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

Sherburne National Wildlife Refuge

A. *Migratory Game Bird Hunting.*

* * *

2. We allow only nonmotorized boats, and they must be launched at designated access sites.

* * * * *

8. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. *Upland Game Hunting.* * * *

3. Conditions A6 through A8 apply.

C. Big Game Hunting. * * *

7. Conditions A4 and A7 apply. Condition A8 applies to wild turkey only.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

Tamarac National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

5. For hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

B. Upland Game Hunting. * * *

2. You may only hunt fox and raccoon from ½ hour before legal sunrise until legal sunset from the beginning of the State season through the last day of February.

3. You may only hunt striped skunk from ½ hour before legal sunrise until legal sunset from September 1 through the last day of February.

* * * * *

5. Conditions A3 through A5 apply.

* * * * *

D. Sport Fishing. * * *

6. We prohibit motorized vehicles on frozen water bodies.

* * * * *

Upper Mississippi River National Wildlife and Fish Refuge

A. Migratory Game Bird Hunting.

* * *

* * * * *

2. In areas posted and shown on maps as ''Closed to All Access,'' we prohibit public entry, to include hunting and fishing, at all times. This area is named and located as follows: Crooked Slough Backwater, Pool 13, Illinois, 2,453 acres.

* * * * *

5. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit migratory bird hunting at all times. These areas are named and located as follows:

i. Buffalo River, Pool 4, Wisconsin, 219 acres.

ii. Fountain City Bay, Pool 5A, Wisconsin, 24 acres.

iii. Upper Halfway Creek Marsh, Pool 7, Wisconsin, 143 acres.

iv. Brice Prairie Tract, Pool 7, Wisconsin, 186 acres.

v. Hunter's Point, Pool 8, Wisconsin, 82 acres.

vi. Goose Island, Pool 8, Wisconsin, 984 acres (also no motors and voluntary avoidance as in condition A3).

vii. Sturgeon Slough, Pool 10, Wisconsin, 66 acres.

viii. Goetz Island Trail, Pool 11, Iowa, 31 acres.

ix. Crooked Slough Proper, Pool 13, Illinois, 270 acres.

x. Frog Pond, Pool 13, Illinois, 64 acres.

xi. Ingersoll Wetlands Learning Center, Pool 13, Illinois, 41 acres.

xii. Amann Tract, Pool 7, Wisconsin, 0.21 acre.

xiii. Lost Mound Unit Office and River Road, Pool 13, Illinois, 175 acres.

6. In the area posted and shown on maps as ''Mesquaki Lake No Hunting Zone,'' Pool 13, Illinois, we prohibit hunting migratory birds from April 1 to September 30.

* * * * *

10. You may use or possess only approved nontoxic shot shells while hunting on the refuge (see § 32.2(k)).

* * * * *

12. We prohibit the construction of permanent hunting blinds (see § 27.92 of this chapter). You may use natural material for temporary blinds, with restrictions. You may hunt from a boat blind, pop-up blind, or construct a temporary blind of natural materials. You may gather grasses and marsh vegetation (*e.g.,* willow, cattail, bulrush, lotus, and/or arrowhead) from the refuge for blind-building materials. However, you may not gather, bring onto the refuge, or use for blind building, tree(s) or other plant parts, including dead wood on the ground, greater than 2 inches (5 centimeters) in diameter. Nonnative species may not be gathered from nor brought onto the refuge for building or brushing temporary blinds (*e.g.,* Phragmites (giant cane)). We prohibit constructing hunting blinds from rocks placed for shoreline protection (rip rap). You may leave only temporary blinds made entirely of natural vegetation and biodegradable twines on the refuge. We consider all such blinds public property and open to use by any person on a first-come, first-served basis. At the end of each day's hunt, you must remove all manmade blind materials, including boat blinds. Any blinds containing manmade materials left on the refuge are subject to immediate removal and disposal. Manmade materials include, but are not limited to, wooden pallets, metal fence posts, wire, nails, staples, netting, or tarps (see §§ 27.93 and 27.94 of this chapter). We prohibit occupying or using any blind made with unauthorized materials.

13. We require a 200-yard (182.9-meter) spacing distance between hunting parties on the Illinois portions of the refuge in Pools 12, 13, and 14.

* * * * *

16. We prohibit camping beginning the day before the opening of waterfowl hunting seasons within areas posted ''No Entry—Sanctuary,'' ''Area Closed,'' ''Area Closed—No Motors,'' and ''No Hunting Zone'' or on any sites not clearly visible from the main commercial navigation channel of the Mississippi River. We define camping as erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, or mooring or anchoring of a vessel for the apparent purpose of overnight occupancy, or occupying or leaving personal property, including boats or other craft, at a site anytime between the hours of 11 p.m. and 3 a.m. on any given day. Where we allow camping, you must occupy claimed campsites each night.

17. We prohibit the building or use of warming fires while hunting (see § 27.95 of this chapter). We only allow campfires in conjunction with camping, day-use activities on beaches, or on the ice while ice fishing using only dead wood on the ground, or materials brought onto the refuge such as charcoal or firewood. However, transport of firewood must be in accordance with State or county regulations. We prohibit use of firewood originating more than 50 miles from the refuge unless certified as pest-free. You must remove any unused firewood brought onto the refuge upon departure due to threat of invasive insects.

* * * * *

B. Upland Game Hunting. We allow hunting of upland game on areas of the refuge designated by the refuge manager and shown on maps available at refuge offices in accordance with State regulations. We prohibit upland game hunting from March 16 through August 31 each year except for spring wild turkey hunting, and squirrel hunting on the Illinois portion of the refuge. All upland game hunting is subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We prohibit the discharging of firearms (including dog training pistols and dummy launchers), air guns, or any other weapons on the refuge, unless you are a licensed hunter or trapper engaged in authorized activities during established seasons, in accordance with Federal, State, and local regulations. We prohibit target practice on the refuge (see §§ 27.42 and 27.43 of this chapter).

3. In areas posted and shown on maps as ''No Entry—Sanctuary,'' we prohibit entry and upland game hunting at all times. In areas posted and shown on maps as ''No Entry—Sanctuary October 1 to end of state duck hunting season,'' we allow upland game hunting beginning the day after the respective State duck hunting season until upland game season closure or March 15, whichever comes first, except we allow spring turkey hunting during State seasons. We describe these areas more fully in Condition A3.

4. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed—No Motors,'' we allow upland game hunting beginning the day after the respective State duck hunting season until upland game season closure or March 15, whichever comes first, except we allow spring turkey hunting during State seasons. We ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''Area Closed—No Motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season. We describe these areas more fully in Condition A4.

5. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit upland game hunting at all times. We describe these areas more fully in Condition A5.

6. We prohibit hunting of upland game within 50 yards (45.7 meters) of the Great River Trail at Thomson Prairie, within 150 yards (137.2 meters) of the Great River Trail at Mesquaki Lake, and within 400 yards (365.8 meters) of the Potter's Marsh Managed Hunt area, all in or near Pool 13, Illinois.

7. In the area posted and shown on maps as ''Mesquaki Lake No Hunting Zone,'' Pool 13, Illinois, we prohibit hunting upland game from April 1 to September 30.

8. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

9. We prohibit the shining of a light to locate any animal on the refuge except at the point of kill for species specified in respective State night or artificial light hunting regulations (see § 27.73 of this chapter). You may use lights to find your way. We prohibit the distribution of bait or feed, the hunting over bait or feed, and the use or possession of any drug on any arrow for bow hunting (see § 32.2(g) and (h)). You must comply with all other hunt method regulations of the respective State on the refuge.

10. Conditions A8, A11, A12, and A14 through A19 apply.

C. Big Game Hunting. We allow hunting of big game on areas of the refuge designated by the refuge manager

and shown on maps available at refuge offices in accordance with State regulations. We prohibit big game hunting from March 16 through August 31 each year. In areas closed to public access on the Lost Mound Unit of Savanna District, Illinois, we permit firearm deer hunts by youth and disabled hunters in accordance with procedures and regulations established by the refuge manager. Special regulations are in effect that identify specific hunt sites and restrict hunter's movements, access, and firearms/ammunition that may be used by special hunt participants. All big game hunting is subject to the following conditions:

1. Conditions A1, A2, and B2 apply.

2. In areas posted and shown on maps as ''No Entry—Sanctuary,'' we prohibit entry and big game hunting at all times. In areas posted and shown on maps as ''No Entry—Sanctuary October 1 to end of state duck hunting season,'' we allow big game hunting beginning the day after the respective State duck hunting season until big game season closure or March 15, whichever comes first. We describe these areas more fully in Condition A3.

3. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed—No Motors,'' we allow big game hunting beginning the day after the respective State duck hunting season until big game season closure or March 15, whichever comes first. We ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''Area Closed—No Motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season. These areas are described more fully in Condition A4.

4. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit big game hunting at all times. We describe these areas more fully in Condition A5.

5. We prohibit hunting of big game within 50 yards (45.7 meters) of the Great River Trail at Thomson Prairie, within 150 yards (137.2 meters) of the Great River Trail at Mesquaki Lake, and within 400 yards (365.8 meters) of the Potter's Marsh Managed Hunt area, all in or near Pool 13, Illinois.

6. In the area posted and shown on maps as ''Mesquaki Lake No Hunting Zone,'' Pool 13, Illinois, we prohibit hunting big game from April 1 to September 30.

7. Conditions A8, A11, A12, A14 through A19, and B8 and B9 apply.

8. On refuge-managed lands in Illinois, we prohibit organized drives for deer. A deer drive is defined as a deliberate action by one or more persons, whether armed or unarmed, on foot or with the aid of a conveyance, whose intent is to cause deer to move within shooting range of one or more participating hunters.

D. Sport Fishing. * * *

1. Condition A2 applies.

* * * * *

3. In the Spring Lake ''No Entry—Sanctuary, October 1 to end of State duck hunting season'' area, Pool 13, Illinois, we prohibit fishing from October 1 until the day after the close of the State duck hunting season.

* * * * *

6. For the purpose of determining length limits, slot limits, and daily creel limits, the impounded areas of Spring Lake and Duckfoot Marsh in Pool 13, Illinois, and Pleasant Creek in Pool 13, Iowa, are part of the Mississippi River site-specific State regulations.

7. Conditions A12, and A15 through A19 apply.

8. Commercial fishing in Spring Lake and Crooked Slough, Pool 13, Illinois, requires a Special Use Permit (Permit Application Form: National Wildlife Refuge System Commercial Special Use, FWS Form 3–1383–C) issued by the refuge or district manager (see § 31.13 of this chapter).

Windom Wetland Management District

A. Migratory Game Bird Hunting. * * *

6. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of upland game throughout the district, except that you may not hunt on the Worthington Waterfowl Production Area (WPA) in Nobles County or designated portions of the Wolf Lake WPA in Cottonwood County, in accordance with State regulations and subject to the following condition: Conditions A3 through A6 apply.

C. Big Game Hunting. * * *

1. We prohibit hunting on the Worthington WPA in Nobles County and designated portions of the Wolf Lake WPA in Cottonwood County.

* * * * *

■ 19. Amend § 32.43 by:

■ a. Revising the introductory text of paragraph A; revising paragraphs A.1 and A.3; removing paragraph A.6; redesignating paragraphs A.7, A.8, A.9, A.10, and A.11 as A.6, A.7, A.8, A.9 and A.10, respectively; revising newly designated paragraphs A.6 and A.8; and adding a new paragraph A.11 under Coldwater National Wildlife Refuge.

■ b. Revising paragraphs A.1, and A.3; removing paragraph A.6; redesignating paragraphs A.7, A.8, A.9, A.10, A.11 and A.12 as A.6, A.7, A.8, A.9, A.10, and A.11, respectively; revising newly designated paragraphs A.7 and A.9; and adding paragraph A.12 under Dahomey National Wildlife Refuge.

■ c. Revising the entry for Hillside National Wildlife Refuge.

■ d. Revising paragraphs B and C under Holt Collier National Wildlife Refuge.

■ e. Revising the entry for Mathews Brake National Wildlife Refuge.

■ f. Revising the entry for Morgan Brake National Wildlife Refuge.

■ g. Revising the entry for Panther Swamp National Wildlife Refuge.

■ h. Revising the entry for Sam D. Hamilton Noxubee National Wildlife Refuge.

■ i. Revising paragraphs A.2, A.6, B.1, and C.10; removing paragraph D.1; redesignating paragraphs D.2, D.3, D.4, D.5, D.6, D.7 and D.8 as D.1, D.2, D.3, D.4, D.5, D.6, and D.7, respectively; and revising newly designated paragraph D.7 under St. Catherine Creek National Wildlife Refuge.

■ j. Revising paragraphs A.1 and A.3; removing paragraph A.7; redesignating paragraphs A.8, A.9, A.10, A.11, A.12, and A.13 as A.7, A.8, A.9, A.10, A.11, and A.12, respectively; revising newly designated paragraph A.10; and adding paragraph A.13 under Tallahatchie National Wildlife Refuge.

■ k. Revising paragraphs A, B, and C under Yazoo National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.43 Mississippi.

* * * * *

Coldwater National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory waterfowl, coot, snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. All hunters must comply with all State hunter education requirements. All hunters age 16 years and older must possess and carry a valid, signed refuge hunting permit (signed brochure). All persons younger than age 16, while hunting on the refuge, must be in the presence and under the direct supervision of a licensed or exempt hunter at least age 21, when hunting. A licensed hunter supervising a youth as provided in this section must hold all required licenses and permits.

* * * * *

3. We allow hunting of migratory game birds, including the Light Goose Conservation Order, on Wednesday,

Saturdays, and Sundays from ½ hour before legal sunrise and ending at 12 p.m. (noon). Hunters must remove all decoys, blind materials (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

* * * * *

6. During the refuge deer firearm season, including primitive weapons hunt and the youth gun hunt, all hunters and visitors on the refuge, except waterfowl hunters and nighttime raccoon hunters, must wear in full view a minimum of 500 square inches (3,225.8 square centimeters) of solid, unbroken fluorescent orange. When hunting quail or rabbit on a refuge outside the refuge's general gun and primitive weapon season, hunters must wear a fluorescent orange vest or cap.

* * * * *

8. You must remove decoys, blinds, boats, other personal property, and litter (see §§ 27.93 and 27.94 of this chapter) from the hunting area following each morning's hunt. We prohibit cutting or removing trees and other vegetation (see § 27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

* * * * *

11. We prohibit all commercial activities, including guiding or participating in a paid guided hunt.

* * * * *

Dahomey National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

1. All hunters must comply with all State hunter education requirements. All hunters age 16 years and older must possess and carry a valid, signed refuge hunting permit (signed brochure). All persons younger than age 16, while hunting on the refuge, must be in the presence and under the direct supervision of a licensed or exempt hunter at least age 21, when hunting. A licensed hunter supervising a youth as provided in this section must hold all required licenses and permits.

* * * * *

3. We allow hunting of migratory game birds, including the Light Goose Conservation Order, on Wednesdays, Saturdays, and Sundays from 1/2 hour before legal sunrise until 12 p.m. (noon). Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

* * * * *

7. During any open refuge hunting season, all hunters, or persons on the refuge for any reason, must wear a minimum of 500 square inches (3,225.8 square centimeters) of visible, unbroken, fluorescent orange-colored material above the waistline. Waterfowl hunters must comply while walking/boating to and from actual hunting area. Waterfowl hunters may remove the fluorescent orange while actually hunting.

* * * * *

9. You must remove decoys, blinds, boats, other personal property, and litter (see §§ 27.93 and 27.94 of this chapter) from the hunting area following each morning's hunt. We prohibit cutting or removing trees and other vegetation (see § 27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

* * * * *

12. We prohibit all commercial activities, including guiding or participating in a paid guided hunt.

* * * * *

Hillside National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Each person age 16 and older hunting or fishing must possess a valid T R Complex Annual Public Use Permit card (name/address/phone number).

2. All youth hunters age 15 and younger must possess and carry a hunter safety course card or certificate and be in the presence and direct supervision of a Mississippi licensed or exempt hunter, age 21 or older. One adult may supervise no more than one youth hunter.

3. Before hunting or fishing, all participants must display their User Information/Harvest Report Card (Big Game Harvest Report, FWS Form 3–2359) in plain view in their vehicle so that the required information is readable. All cards must be returned upon completion of the activity and before leaving the refuge.

4. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

5. We prohibit possession of alcoholic beverages (see § 32.2(j)).

6. It is unlawful to throw, dump, dispose of, or intentionally leave any fish or wildlife, wildlife parts, or waste on the refuge. You must remove all parts from the refuge with the exception of field dressing.

7. We prohibit the use of plastic flagging tape.

8. Vehicles must be parked in such a manner as not to obstruct roads, gates, turn rows, or fire lanes (see § 27.31(h) of this chapter).

9. We prohibit all other public use on the refuge during the muzzleloader deer hunt.

10. For hunting, you may possess or use only approved nontoxic shot (see § 32.2(k)).

11. With the exception of raccoon hunting and frogging, we limit refuge entry and exit to the period of 4 a.m. to 1½ hours after legal sunset.

12. For instances of lost or stolen public use permits, management may issue duplicates at their discretion, and we may charge a fee.

13. Valid permit holders may take the following in season incidental to other refuge hunts with weapons legal for that hunt: raccoon, opossum, coyote, beaver, bobcat, nutria, and feral hog.

14. We allow all-terrain vehicles (ATVs) only on designated trails (see § 27.31 of this chapter) (see refuge brochure map) from September 15 through February 28. We prohibit horses and mules.

15. We prohibit hunting over or the placement of bait (see § 32.2(h)). We prohibit the possession, direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid or other feed substance to attract game.

16. We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

17. Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

18. We allow dogs for retrieving migratory birds.

19. We allow goose, duck, merganser and coot hunting beginning ½ hour before legal sunrise until 12 p.m. (noon).

20. There is no early teal season.

21. We allow dove hunting on specified dates and areas within the first and second State seasons. The first two Saturdays of the first season require a Limited Hunt Permit (name/address/phone number) assigned by random computer drawing. At the end of the hunt, you must return the permit with information concerning your hunt. If you fail to return this permit, you will not be eligible for any limited hunts the next year. Contact the refuge headquarters for specific dates and open areas.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and

raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 apply.

2. We allow only shotguns with approved nontoxic shot (see § 32.2(k)), and .22 and .17 caliber rimfire rifles for small game hunting.

3. We allow dogs for hunting squirrel and quail, and for the February rabbit hunt.

4. All hunters must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment while hunting and en route to and from hunting areas during any firearm deer season (State and/or refuge) and while rabbit hunting.

5. Beginning the first day after the deer muzzleloader hunt, we prohibit entry into the Turkey Point area until March 1.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16, and B4 through B5 apply.

2. We prohibit organized drives for deer and feral hog.

3. Hunting or shooting within or adjacent to open fields and tree plantations less than 5 feet (1.5 meters) in height must be from a stand a minimum of 10 feet (3 meters) above the ground.

4. Deer check station dates, locations, and requirements are designated in the refuge brochure. Prior to leaving the Refuge, you must check all harvested deer at the nearest self-service check station following the posted instructions.

5. Hunters may possess and hunt from only one stand or blind. Hunters may place a deer stand or blind 48 hours prior to a hunt and must remove it within 48 hours after each designated hunt with the exception of closed areas where special regulations apply (see brochure).

6. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball; we prohibit breech-loading firearms of any type.

7. Turkey hunting opportunities will consist of three limited draw hunts within the State season time frame. These hunts require a Limited Hunt Permit (Big/Upland Game Hunt Application Permit, FWS Form 3–2356) assigned by random computer drawing. At the end of the hunt, you must return the permit with information concerning your hunt. If you fail to return this permit, you will not be eligible for any limited hunts the next year. Contact refuge headquarters for specific requirements, hunts, and application dates.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 and B5 apply.

2. We prohibit trot lines, limb lines, jugs, seines, and traps.

3. We allow frogging during the State bullfrog season.

4. We allow fishing in the borrow ponds along the north levee (see refuge brochure map) throughout the year except during the muzzleloader deer hunt.

5. We open all other refuge waters to fishing March 1 through November 15.

6. We prohibit fishing from bridges.

Holt Collier National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of rabbit and furbearers on designated areas in accordance with State regulations and subject to the following conditions:

1. Each person age 16 and older hunting or fishing must possess a valid T R Complex Annual Public Use Permit (name/address/phone number).

2. All youth hunters age 15 and younger must possess and carry a Hunter Safety Course Card or certificate and be in the presence and direct supervision of a Mississippi licensed or exempt hunter, age 21 or older. One adult may supervise no more than one youth hunter.

3. Before hunting or fishing, all participants must display their User Information/Harvest Report Card (Big Game Harvest Report—FWS Form 3–2359) in plain view in their vehicle so that the required information is readable. All cards must be returned upon completion of the activity and before leaving the refuge.

4. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

5. We prohibit possession of alcoholic beverages (see § 32.2(j)).

6. We prohibit the use of plastic flagging tape.

7. Vehicles should be parked in such a manner as not to obstruct roads, gates, turn rows, or fire lanes (see § 27.31(h) of this chapter).

8. We prohibit all other public use on the refuge during all limited draw hunts.

9. Valid permit holders may take the following in season as incidental to other refuge hunts with weapons legal for that hunt: raccoon, opossum, coyote, beaver, bobcat, nutria, and feral hog.

10. We allow only shotguns with approved nontoxic shot (see § 32.2(k)), .22 and .17 caliber rimfire rifles for small game hunting.

11. We allow rabbit hunting with dogs in February.

12. During the rabbit hunt, any person hunting or accompanying another person hunting must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment.

13. With the exception of raccoon hunting, we limit refuge entry and exit to the period of 4 a.m. to 1½ hours after legal sunset.

14. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), horses, and mules on the refuge.

15. We prohibit hunting over or the placement of bait (see § 32.2(h)). We prohibit the possession, direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

16. For instances of lost or stolen public use permits (FWS Form 1383), management may issue duplicates at their discretion, and may charge a fee.

17. It is unlawful to throw, dump, dispose of, or intentionally leave any fish or wildlife, wildlife parts, or waste on the refuge. You must remove all parts from the refuge with the exception of field dressing.

18. We prohibit all other public use on the refuge during muzzleloader deer hunts.

19. We prohibit hunting or shooting into a 100-foot (30.5-meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1 through B7, B9, and B13 through B19 apply.

2. All hunters must wear at least 500 square inches (3,225 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment while hunting and en route to and from hunting areas during any firearm deer season (State and/or refuge).

3. We prohibit organized drives for deer and feral hog.

4. Hunting or shooting within or adjacent to open fields or tree plantations less than 5 feet (1.5 meters) in height must be from a stand a minimum of 10 feet (3 meters) above the ground.

5. Deer check station dates, locations, and requirements are designated in the refuge brochure. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station following the posted instructions.

6. Hunters may possess and hunt from only one stand or blind. Hunters may place a deer stand or blind 48 hours prior to a hunt and must remove it within 48 hours after each designated hunt with the exception of closed areas where special regulations apply (see brochure).

7. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball; we prohibit breech-loading firearms of any type.

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Mathews Brake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Each person age 16 and older hunting or fishing must possess a valid T R Complex Annual Public Use Permit (name/address/phone number).

2. All youth hunters age 15 and younger must possess and carry a hunter safety course card or certificate and be in the presence and direct supervision of a Mississippi licensed or exempt hunter, age 21 or older. One adult may supervise no more than one youth hunter.

3. Before hunting and fishing, all participants must display their User Information/Harvest Report Card (Big Game Harvest Report, FWS Form 3–2359) in plain view in their vehicle so that the required information is readable. All cards must be returned upon completion of the activity and before leaving the refuge.

4. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

5. We prohibit possession of alcoholic beverages (see § 32.2(j)).

6. It is unlawful to throw, dump, dispose of, or intentionally leave any fish or wildlife, wildlife parts, or waste on the refuge. You must remove all parts from the refuge with the exception of field dressing.

7. We prohibit the use of plastic flagging tape.

8. Vehicles should be parked in such a manner as not to obstruct roads, gates, turn rows, or firelanes (see § 27.31(h) of this chapter).

9. For hunting, you may possess or use only approved nontoxic shot (see § 32.2(k)).

10. With the exception of raccoon hunting and frogging, we limit refuge entry and exit to the period of 4 a.m. to 1½ hours after legal sunset.

11. For instances of lost or stolen public use permits (name/address/phone number), management may issue duplicates at their discretion, and the hunter may incur a fee.

12. Valid permit holders may take the following in season incidental to other refuge hunts with weapons legal for that hunt: raccoon, opossum, coyote, beaver, bobcat, nutria, and feral hog.

13. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), horses, and mules on the refuge.

14. We prohibit hunting over or the placement of bait (see § 32.2(h)). We prohibit the possession, direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

15. We prohibit hunting or shooting into a 100-foot (30.5m) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

16. Hunters must remove all decoys, blind material (see § 27.93 of this chapter), boats, and harvested waterfowl from the area no later than 1 p.m. each day.

17. We allow dogs for retrieving migratory birds.

18. We allow goose, duck, merganser, and coot hunting beginning ½ hour before legal sunrise until 12 p.m. (noon).

19. There is no early teal season.

20. We allow hunting during open State season. The first 2 days of the season and all weekends, with the exception of youth weekends, are limited draw hunts. These hunts require a Limited Hunt Permit (name/address/phone number) assigned by random computer drawing. At the end of the hunt, you must return the permit with information concerning your hunt. If you fail to return this permit, you will not be eligible for any limited hunts the next year. Contact refuge headquarters for specific requirements, hunts, and application dates.

21. Beginning the day before duck season opens and ending the last day of duck season, we close refuge waters to all public use from 1 p.m. until 4 a.m.

22. All waterfowl hunters must launch from and return to the U.S. Fish and Wildlife Service boat ramp each day.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and raccoon on designated areas in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A15 and A21 apply.

2. We allow only shotguns with approved nontoxic shot (see § 32.2(k)), and .22 and .17 caliber rimfire rifles for small game hunting.

3. We allow dogs for hunting squirrel and for the February rabbit hunt.

4. All hunters must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment while hunting and en route to and from hunting areas during any firearm deer season (State and/or refuge) and while rabbit hunting.

5. Beginning the day before waterfowl season, we restrict hunting to the waterfowl hunt area (see refuge brochure map).

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A15, A21, B4, and B5 apply.

2. We prohibit organized drives for deer and feral hog.

3. Hunting or shooting within or adjacent to open fields or tree plantations less than 5 feet (1.5 meters) in height must be from a stand a minimum of 10 feet (3 meters) above the ground.

4. Deer check station dates, locations, and requirements are designated in the refuge brochure. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station following the posted instructions.

5. Hunters may possess and hunt from only one stand or blind. A hunter may place a deer stand or blind 48 hours prior to a hunt and must remove it within 48 hours after each designated hunt with the exception of closed areas where special regulations apply (see brochure).

6. We allow archery hunting October 1 through January 31.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A15, and A21 apply.

2. We prohibit trot lines, limb lines, jugs, seines, and traps.

3. We allow frogging during the State bullfrog season.

4. We allow fishing in all refuge waters throughout the year, except in the waterfowl sanctuary, which we close to fishing from the first day of duck season through March 1 (see refuge brochure map).

Morgan Brake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Each person age 16 and older hunting or fishing must possess a valid T R Complex Annual Public Use Permit (name/address/phone number).

2. All youth hunters age 15 and younger must possess and carry a Hunter Safety Course Card or certificate and be in the presence and direct supervision of a Mississippi licensed or exempt hunter, age 21 or older. One adult may supervise no more than one youth hunter.

3. Before hunting or fishing, all participants must display their User Information/Harvest Report Card (Big Game Harvest Report, FWS Form 3–2359) in plain view in their vehicle so that the required information is readable. All cards must be returned upon completion of the activity and before leaving the refuge.

4. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

5. We prohibit possession of alcoholic beverages (see § 32.2(j)).

6. It is unlawful to throw, dump, dispose of, or intentionally leave any fish or wildlife, wildlife parts, or waste on the refuge. You must remove all parts from the refuge with the exception of field dressing.

7. We prohibit the use of plastic flagging tape.

8. Vehicles should be parked in such a manner as not to obstruct roads, gates, turn rows, or fire lanes (see § 27.31(h) of this chapter).

9. We prohibit all other public use on the refuge during the muzzleloader deer hunt.

10. For hunting, you may possess or use only approved nontoxic shot (see § 32.2(k)).

11. With the exception of raccoon hunting and frogging, we limit refuge entry and exit to the period of 4 a.m. to 1½ hours after legal sunset.

12. For instances of lost or stolen public use permits (name/address/phone number), management may issue duplicates at their discretion, and the hunter may incur a fee.

13. Valid permit holders may take the following in season incidental to other refuge hunts with weapons legal for that hunt: raccoon, opossum, coyote, beaver, bobcat, nutria and feral hog.

14. We allow all-terrain vehicles (ATVs) only on designated trails (see § 27.31 of this chapter) (see refuge brochure map) from September 15 through February 28. We prohibit horses and mules.

15. We prohibit hunting over or the placement of bait (see § 32.2(h)). We prohibit the possession, direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

16. We prohibit hunting or shooting into a 100-foot (30.5-meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

17. Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

18. We allow dogs for retrieving migratory birds.

19. We allow goose, duck, merganser, and coot hunting beginning ½ hour before legal sunrise until 12 p.m. (noon).

20. There is no early teal season.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 apply.

2. We allow only shotguns with approved nontoxic shot (see § 32.2(k)), and .22 and .17 caliber rimfire rifles for small game hunting.

3. We allow dogs for hunting squirrel and for the February rabbit hunt.

4. All hunters must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment while hunting and en route to and from hunting areas during any firearm deer season (State and/or refuge) and while rabbit hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 and B4 apply.

2. We prohibit organized drives for deer and feral hog.

3. Hunting or shooting within or adjacent to open fields or tree plantations less than 5 feet (1.5 meters) in height must be from a stand a minimum of 10 feet (3 meters) above the ground.

4. Deer check station dates, locations, and requirements are designated in the refuge brochure. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station following the posted instructions.

5. Hunters may possess and hunt from only one stand or blind. Hunters may place a deer stand or blind 48 hours prior to a hunt and must remove it within 48 hours after each designated hunt with the exception of closed areas where special regulations apply (see brochure).

6. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball; we prohibit breech-loading firearms of any type.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 apply.

2. We prohibit trot lines, limb lines, jugs, seines, and traps.

3. We allow frogging during the State bullfrog season.

4. We open refuge waters to fishing March 1 through November 15, except Providence Ponds, which is closed one day prior to the beginning of waterfowl season until March 1.

Panther Swamp National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, and coot on designated areas of the refuge in accordance with State regulations and subject to the following regulations:

1. Each person age 16 and older hunting or fishing must possess a valid T R Complex Annual Public Use Permit (name/address/phone number).

2. All youth hunters age 15 and younger must possess and carry a Hunter Safety Course Card or certificate and be in the presence and direct supervision of a Mississippi licensed or exempt hunter, age 21 or older. One

adult may supervise no more than one youth hunter.

3. Before hunting or fishing, all participants must display their User Information/Harvest Report Card (Big Game Harvest Report, FWS Form 3–2359) in plain view in their vehicle so that the required information is readable. All cards must be returned upon completion of the activity and before leaving the refuge.

4. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

5. We prohibit possession of alcoholic beverages (see § 32.2(j)).

6. It is unlawful to throw, dump, dispose of, or intentionally leave any fish or wildlife, wildlife parts, or waste on the refuge. You must remove all parts from the refuge with the exception of field dressing.

7. We prohibit the use of plastic flagging tape.

8. Vehicles should be parked in such a manner as not to obstruct roads, gates, turn rows, or fire lanes (see § 27.31(h) of this chapter).

9. We prohibit all other public use on the refuge during all limited draw hunts.

10. For hunting, you may possess or use only approved nontoxic shot (see § 32.2(k)).

11. With the exception of raccoon hunting and frogging, we limit refuge entry and exit to the period of 4 a.m. to 1½ hours after legal sunset.

12. For instances of lost or stolen public use permits (name/address/phone number), management may issue duplicates at their discretion, and may charge a fee.

13. Valid permit holders may take the following in season incidental to other refuge hunts with weapons legal for that hunt: raccoon, opossum, coyote, beaver, bobcat, nutria, and feral hog.

14. We allow all-terrain vehicles (ATVs)/utility-type vehicles (UTVs) only on designated trails (see § 27.31 of this chapter) (see refuge brochure map) from September 15 through February 28. We prohibit horses and mules.

15. We prohibit hunting over or the placement of bait (see § 32.2(h)). We prohibit the possession, direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

16. We prohibit hunting or shooting into a 100-foot (30-meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

17. Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

18. We allow dogs for retrieving migratory birds.

19. We allow goose, duck, merganser, and coot hunting beginning ½ hour before legal sunrise until 12 p.m. (noon).

20. Beginning December 15 through March 1, we prohibit all entry into the Lower Twist and Carter Ponds area.

21. During the State Waterfowl season (except early teal season), waterfowl hunting in Unit 1 will be on Monday, Tuesday, and Wednesday. Waterfowl hunting in Unit 2 will be on Friday, Saturday, and Sunday (see refuge brochure for details).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 and A20 apply.

2. We allow only shotguns with approved nontoxic shot (see § 32.2(k)), and .22 and .17 caliber rimfire rifles for small game hunting.

3. We allow dogs for hunting squirrel and raccoon, and for the February rabbit hunt.

4. All hunters must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment while hunting and en route to and from hunting areas during any firearm deer season (State and/or refuge) and while rabbit hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16, and B4 apply.

2. We prohibit organized drives for deer and feral hog.

3. Hunting or shooting within or adjacent to open fields or tree plantations less than 5 feet (1.5 meters) in height must be from a stand a minimum of 10 feet (3 meters) above the ground.

4. Deer check station dates, locations, and requirements are designated in the refuge brochure. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station following the posted instructions.

5. Hunters may possess and hunt from only one stand or blind. Hunters may place a deer stand or blind 48 hours prior to a hunt and must remove it within 48 hours after each designated hunt with the exception of closed areas where special regulations apply (see brochure).

6. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball; we prohibit breech-loading firearms of any type.

7. We allow only shotguns with approved nontoxic shot (see § 32.2(k)) and archery equipment for turkey hunting.

8. Limited draw hunts require a Limited Hunt Permit (name/address/phone number) assigned by random computer drawing. At the end of the hunt, the permit with information concerning that hunt must be returned to the refuge. Failure to return this permit will disqualify the hunter for any limited hunts the next year.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A12 and A20 apply.

2. We prohibit trot lines, limb lines, jugs, seines, and traps.

3. We allow frogging during the State bullfrog season.

Sam D. Hamilton Noxubee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, woodcock, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must purchase a refuge waterfowl permit (Waterfowl Lottery Application; FWS Form 3–2355) for waterfowl hunting in addition to meeting other applicable State and Federal requirements. No more than two companions may accompany each permitted hunter, and we do not require these companions to purchase permits. Permits are nontransferable and only issued to hunters ages 16 and older. Permit holders can hunt as standby hunters for any date for which waterfowl hunting is open.

2. Information on hunts and hunt dates are available at refuge headquarters, on the refuge Web site, and as specified in the refuge brochure. All hunters and anglers must possess and carry a signed refuge public use brochure when conducting these activities.

3. Hunters must remove all decoys, blind material, and harvested waterfowl from the refuge no later than 12 p.m.

(noon) each day (see §§ 27.93 and 27.94 of this chapter).

4. All youth hunters of age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise not more than two youth hunters.

5. All waterfowl hunters must check-in and out at the refuge's duck check station both before and after a day's hunt.

6. We prohibit possession of alcoholic beverages (see § 32.2(j)).

7. Persons possessing, transporting, or carrying firearms on the refuge must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

8. All hunters may possess only approved nontoxic shot while hunting within wetlands and green-tree reservoirs (see § 32.2(k)).

9. We prohibit leaving any personal property, including, but not limited to, boats or vehicles of any type, geocaches, and cameras, overnight on the refuge (see § 29.93 of this chapter). The only exceptions are tree stands used for deer hunting and trotlines and jugs used for fishing.

10. During the deer firearm (primitive or modern gun) hunts, any person hunting species other than waterfowl, accompanying another person hunting species other than waterfowl, or walking off-trail within areas open to deer hunting must wear at least 500 square inches (3,225.8 square centimeters) of unbroken fluorescent-orange material visible above the waistline as an outer garment at all times.

11. We allow unleashed dogs for retrieval of migratory game birds.

12. We prohibit marking trees and using flagging tape, reflective tacks, and other similar marking devices.

13. We require all hunters to record hours hunted and game harvested using the Migratory Bird Hunt Report (FWS Form 3–2361).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, opossum, and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit upland game hunting within the designated areas for waterfowl hunting when waterfowl hunting is actively taking place.

2. We only allow use and possession of approved nontoxic shot and nontoxic ammunition for hunting upland game within wetlands with open water and green-tree reservoirs whether flooded or not (see § 32.2(k)).

3. We only allow shotguns with a shot size no larger than No. 2 and rifles no larger than a standard .22 caliber for taking upland game. We prohibit .22 caliber magnum ammunition and .17 Hornady Magnum Rimfire (HMR) for hunting.

4. We allow hunting of squirrel, raccoon, rabbit, quail, and opossum with unleashed dogs during designated hunts.

5. We allow raccoon and opossum hunting between the hours of legal sunset and legal sunrise.

6. Conditions A2, A4, A6, A7, A8, A9, A10, A12 and A13 apply.

7. We prohibit the use of all-terrain vehicles (ATVs), utility-type vehicles (UTVs), and livestock, including horses and mules.

8. We prohibit hunting or entry into areas designated as being ''closed'' (see refuge brochure map).

9. Hunters may take incidental species (coyote, beaver, nutria, and feral hog) during any hunt with those weapons legal during those hunts.

10. We require all hunters to record hours hunted and all harvested game on the Upland Game Hunt Report (FWS Form 3–2362) at the conclusion of each day at one of the refuge check stations.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A2, A4, A6, A7, A8, A9, A10, A12, A13, B2, B7, B7, B9, and B10 apply.

2. You must purchase a refuge quota deer permit (Quota Deer Hunt Application; FWS Form 3–2354) in addition to meeting State requirements for all refuge deer hunts. Permits are nontransferable. We do not require youth younger than age 16 to purchase a refuge quota deer hunting permit and can obtain a free permit at the refuge office.

3. We prohibit organized drives for deer.

4. You may place portable tree stands for deer hunting on the refuge only during the open deer season. You must clearly label all stands with your name, address, and phone number. When not in use and left on the refuge, you must place stands in a nonhunting position at ground level.

5. We require turkey hunters to use and possess nontoxic shot within locations mapped as green-tree reservoirs within the refuge brochure (see § 32.2(k)).

6. We prohibit big game hunting in the area designated for waterfowl hunting when waterfowl hunting is actively taking place.

7. We prohibit hunting by aid or distribution of any feed, salt, scent attractant, or other mineral at any time (see § 32.2(h)).

8. While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on the refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to the Treestand Manufacturer's Association's standards.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. The general sport fishing, boating, and bow fishing season extends from March 1 through October 31, except for the posted southern shore of Bluff Lake, the entire Noxubee River, and all borrow pit areas along Highway 25 that are open year-round to fishing. Persons must possess and carry a signed refuge public use brochure when fishing.

2. Conditions A7, A9, and B7 apply (see § 27.93 of this chapter).

3. Anglers must keep boat travel at idle speed, and they must not create a wake when moving.

4. We prohibit limb lines, jug fishing, trotlines, snag lines, and hand grappling in Ross Branch, Bluff, and Loakfoma Lakes.

5. When left unattended, anglers must tag fishing gear with their name, address, and phone number. Anglers must check all gear within 24 hours or remove these devices.

6. Trotlining:

i. Anglers must label each end of the trotline floats with the owner's name, address, and phone number.

ii. We limit trotlines to one line per person, and we allow no more than two trotlines per boat.

iii. Anglers must tend all trotlines every 24 hours and remove them when not in use.

iv. Trotlines must possess at least 6-inch (15.2-centimeter) cotton string leads.

7. Jug fishing:

i. Anglers must label each jug with their name, address, and phone number.

ii. Anglers must attend all jugs every 24 hours and remove them when not in use.

8. We prohibit night time bow fishing.

9. We prohibit fishing tournaments on all refuge waters.

10. We prohibit the taking of frogs and turtles (see § 27.21 of this chapter).

11. We prohibit the use of airboats, sailboats, hovercrafts, and inboard-water-thrust boats such as, but not limited to, personal watercraft, watercycles, and waterbikes.

St. Catherine Creek National Wildlife Refuge

A. Migratory Game Bird Hunting.
* * *

2. We require that all hunters and anglers age 16 and older purchase an Annual Public Use Permit (name/address/telephone number). We waive the fee for individuals age 65 and older. The refuge user is required to sign, certifying that you understand and will comply with all regulations, and carry this permit at all times while on the refuge.

* * * * *

6. You may possess only approved nontoxic shot while hunting on the refuge (see § 32.2(k)). This requirement only applies to the use of shotgun ammunition.

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B. Upland Game Hunting. * * *

1. We only allow hunting shotguns, .22 caliber rimfire rifles or smaller, and muzzle-loading rifles under .38 caliber shooting patched round balls, except for raccoon hunting (see condition 3.iv below). We prohibit the possession of hunting with slugs, buckshot, or rifle hunting ammunition larger than .22 rimfire.

* * * * *

C. Big Game Hunting. * * *

10. Refuge users must check all game (name) taken prior to leaving the refuge at one of the self-clearing check stations indicated on the map in the Refuge Public Use Brochure.

* * * * *

D. Sport Fishing. * * *

7. Conditions A2, A10, A11, and A14 apply.

Tallahatchie National Wildlife Refuge

A. Migratory Game Bird Hunting.
* * *

1. All hunters must comply with all State hunter education requirements. All hunters age 16 years and older must possess and carry a valid, signed refuge hunting permit (signed brochure). All persons younger than age 16, while hunting on the refuge, must be in the presence and under the direct supervision of a licensed or exempt hunter at least age 21, when hunting. A licensed hunter supervising a youth as provided in this section must hold all required licenses and permits.

* * * * *

3. We only allow hunting of migratory game birds, including the Light Goose Conservation Order, on Wednesdays, Saturdays, and Sundays from ½ hour before legal sunrise and ending at 12 p.m. (noon). Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

* * * * *

10. You must remove decoys, blinds, boats, other personal property, and litter (see §§ 27.93 and 27.94) from the hunting area following each morning's hunt. We prohibit cutting or removing trees and other vegetation (see § 27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

* * * * *

13. We prohibit all commercial activities, including guiding or participating in a paid guided hunt.

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Yazoo National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, merganser, coot, and dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Each person age 16 and older hunting or fishing must possess a valid T R Complex Annual Public Use Permit (name/address/phone number).

2. All youth hunters age 15 and younger must possess and carry a Hunter Safety Course Card or certificate and be in the presence and direct supervision of a Mississippi licensed or exempt hunter, age 21 or older. One adult may supervise no more than one youth hunter.

3. Before hunting or fishing, all participants must display their User Information/Harvest Report Card (Big Game Harvest Report, FWS Form 3–2359) in plain view in their vehicle so that the required information is readable. All cards must be returned upon completion of the activity and before leaving the refuge.

4. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

5. We prohibit possession of alcoholic beverages (see § 32.2(j)).

6. It is unlawful to throw, dump, dispose or intentionally leave any fish or wildlife, wildlife parts, or waste on the refuge. You must remove all parts from the refuge with the exception of field dressing.

7. We prohibit the use of plastic flagging tape.

8. Vehicles should be parked in such a manner as not to obstruct roads, gates, turn rows, or fire lanes (see § 27.31(h) of this chapter).

9. We prohibit all other public use on the refuge during all limited draw hunts.

10. You may possess only approved nontoxic shot (see § 32.2(k)) while in the field.

11. With the exception of raccoon hunting, we limit refuge entry and exit to the period of 4 a.m. to 1½ hours after legal sunset.

12. For instances of lost or stolen public use permits (name/address/phone number), management may issue duplicates at their discretion, and may charge a fee.

13. Valid permit holders may take the following in season as incidental to other refuge hunts with weapons legal for that hunt: raccoon, opossum, coyote, beaver, bobcat, nutria, and feral hog.

14. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), horses, and mules are prohibited.

15. We prohibit hunting over or the placement of bait (see § 32.2(h)). We prohibit the possession, direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

16. We prohibit hunting or shooting into a 100-foot (30.5-meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

17. Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

18. We allow dogs for retrieving migratory birds.

19. We allow goose, duck, merganser, and coot hunting beginning ½ hour before legal sunrise until 12 p.m. (noon).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16 apply.

2. We allow only shotguns with approved nontoxic shot (see § 32.2(k)), .22 and .17 caliber rimfire rifles for small game hunting.

3. We allow dogs for hunting squirrel and raccoon, and for the February rabbit hunt.

4. All hunters must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material visible above the waistline as an outer garment while hunting and en route to and from hunting areas during any firearm deer

season (State and/or refuge) and while rabbit hunting.

5. We allow rabbit hunting on the Brown Tract.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A16, and B4 apply.

2. We prohibit organized drives for deer and feral hog.

3. Hunting or shooting within or adjacent to open fields or tree plantations less than 5 feet (1.5 meters) in height must be from a stand a minimum of 10 feet (3 meters) above the ground.

4. Deer check station dates, locations, and requirements are designated in the refuge brochure. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station following the posted instructions.

5. Hunters may possess and hunt from only one stand or blind. Hunters may place a deer stand or blind 48 hours prior to a hunt and must remove it within 48 hours after each designated hunt with the exception of closed areas where special regulations apply (see brochure).

6. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball; we prohibit breech-loading firearms of any type.

7. Limited draw hunts require a Limited Hunt Permit (name/address/phone number) assigned by random computer drawing. At the end of the hunt, the permit with information concerning that hunt must be returned to the refuge. Failure to return this permit will disqualify the hunter for any limited hunts the next year.

8. We allow archery deer hunting on the Brown Tract.

* * * * *

■ 20. Amend § 32.44 by:

■ a. Adding paragraph A.3, and revising paragraphs B.1 and C.6 under Big Muddy National Wildlife Refuge.

■ b. Revising paragraphs C.2 and C.5, removing paragraph C.7., and redesignating paragraph C.8 as C.7 and under Clarence Cannon National Wildlife Refuge.

■ c. Revising paragraphs B.1, B.7, C.1, C.7, C.10, D.1, D.2, and D.4; and adding paragraphs A.10 and C.11 under Mingo National Wildlife Refuge.

■ d. Revising paragraphs A, B, and C under Swan Lake National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.44 Missouri.

* * * * *

Big Muddy National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

3. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. * * *

1. Condition A3 applies.

* * * * *

C. Big Game Hunting.

6. Condition A3 applies to wild turkey only.

* * * * *

Clarence Cannon National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

2. You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Big Game Harvest Report (FWS Form 3–2359).

* * * * *

5. You must remove all boats, blinds, blind materials, stands, platforms, scaffolds, and other hunting equipment (see §§ 27.93 and 27.94 of this chapter) from the refuge at the end of each day's hunt.

* * * * *

Mingo National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

10. We allow the take of feral hog at any time and bobcat when in season, while legally hunting others species on the refuge.

B. Upland Game Hunting. * * *

1. Conditions A3, A8, A9, and A10 apply.

* * * * *

7. Archery hunters may take squirrel, raccoon, and bobcat while in season and feral hog anytime while archery deer hunting.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A3, A5, A8, A9, A10, and B2 apply.

* * * * *

7. We allow portable tree stands only from 2 weeks before to 2 weeks after the State archery deer season with the following exception: In the Expanded General Hunt Area, you must remove all personal property at the end of each day.

* * * * *

10. We prohibit the distribution of bait or hunting with the aid of bait, salt, or other ingestible attractant (see § 32.2(h)).

11. We require hunters to apply for managed deer hunts through the Missouri Department of Conservation internet draw.

D. Sport Fishing. * * *

1. We allow fishing year-round from ½ hour before legal sunrise until ½ hour after legal sunset on Red Mill Pond, Mingo River (south of Ditch 6 Road), Stanley Creek, May Pond, Fox Pond, Binford Pond, and Ditches 2, 3, 6, 10, and 11.

2. We allow fishing in moist soil units, Monopoly Marsh, Rockhouse Marsh, and Ditches 4 and 5 only from March 1 through September 30.

* * * * *

4. We prohibit all boat motors in the Mingo Wilderness. We allow the use of electric trolling motors outside the Mingo Wilderness.

* * * * *

Swan Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

2. We allow hunting of waterfowl, dove, rail, snipe, and woodcock on the Schmitt, Moresi, Bates, Truman Reservoir, and Yellow Creek Triangle Units subject to State regulations and seasons.

3. We allow hunting of waterfowl, dove, rail, snipe, and woodcock on the refuge subject to the following conditions:

i. We require the Missouri Department of Conservation ''Green Card'' while hunting waterfowl.

ii. We require Missouri Department of Conservation ''Orange Cards'' while dove hunting.

iii. You must follow designated check-in and check-out procedures.

iv. We only allow waterfowl hunting during designated days of the waterfowl seasons, late goose season, and Spring Conservation Order season.

v. We restrict hunting hours to designated times on designated units. You must remove all equipment and exit units by 1 p.m.

vi. During the Spring Conservation Order season, you may leave decoys and blinds overnight in your assigned unit.

vii. You may hunt only in the designated area to which you are assigned at the check station.

viii. We require that you leash or kennel hunting dogs when outside the hunting unit. Dogs must be under the control of the owner at all times.

ix. We restrict hunting units to parties no larger than four, unless otherwise designated.

x. We prohibit driving vehicles, including all-terrain vehicles (ATVs), into units. We allow hand-pulled carts. You must park vehicles in designated parking areas for the unit.

xi. We prohibit the cutting of woody vegetation (see § 27.51 of this chapter) on the refuge.

xii. We prohibit hunting or shooting on, across, or within 100 feet (30.5 meters) of a service road, parking lot, or designated trail.

xiii. We restrict waterfowl hunters to a designated number of shot shells in their possession while hunting in designated waterfowl hunting units.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations and seasons, and subject to the following conditions:

1. Conditions A.1 and A.3.xii apply.

2. On the Schmitt, Moresi, Bates, Truman Reservoir, and Yellow Creek Triangle Units, we allow hunting of quail, rabbit, squirrel, groundhog, bullfrog, green frog, pheasant, raccoon, coyote, red and gray fox, bobcat, opossum, skunk, and badger according to State seasons and regulations. You may access the Yellow Creek Triangle via the Yellow Creek Conservation Area.

3. On the refuge, we allow hunting of squirrel on designated areas in accordance with State regulations and seasons, and subject to the following conditions:

i. We allow shotguns, handguns, and rimfire .22 caliber rifles.

ii. You may not access the refuge from neighboring private or public lands.

iii. We restrict hunting use hours on designated hunting units.

C. Big Game Hunting. We allow hunting of deer and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A.1 applies only to wild turkey. Conditions A.3.iii. and B.3.ii. apply.

2. On the Schmitt, Moresi, Bates, and Truman Reservoir Units, we allow hunting of white-tailed deer and wild turkey in accordance with State regulations and seasons.

3. On the Yellow Creek Triangle Unit, we allow archery hunting of white-tailed deer consistent with regulations and seasons in the adjacent Yellow Creek Wildlife Management Area.

4. On the refuge, we allow hunting of white-tailed deer subject to the following conditions:

i. We require a Missouri Department of Conservation Permit, along with Missouri Department of Conservation hunter identification tags and parking permits (name/address/phone number) to hunt during the managed deer hunt.

ii. You must participate in a pre-hunt orientation for managed deer hunts.

iii. You must hunt in designated areas during designated times.

iv. We allow entry onto the refuge 1 hour prior to shooting hours during managed deer hunts. You must be off the refuge 1 hour after shooting hours, unless permission has been granted by the refuge manager or designee.

v. We prohibit shooting from, across, or within 100 feet (30.5 meters) of a service road, public road, parking lot, or designated trail unless authorized by the refuge manager.

vi. We allow use of portable tree stands and blinds during managed deer hunts, and you must remove them at designated times. You must attach your name, address, and phone number to all stands and blinds. During managed firearms hunts, you must mark enclosed hunting blinds and stands with hunter orange visible from all sides.

vii. We prohibit hunting over or placing on the refuge any salt or other mineral blocks (see § 32.2(h)).

viii. During special hunts, one nonhunting assistant may accompany youth or hunters with disabilities.

* * * * *

■ 21. Amend § 32.47 by revising paragraphs A.4, C.2, and C.3 under Stillwater National Wildlife Refuge. The revisions read as follows:

§ 32.47 Nevada.

* * * * *

Stillwater National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

4. Persons possessing, transporting or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

* * * * *

C. Big Game Hunting. * * *

2. Hunters must only use shotguns, muzzleloading weapons, or bow and arrow, and may possess and use only nontoxic projectiles for hunting (see § 32.2(k)).

3. Persons possessing, transporting or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

* * * * *

■ 22. Amend § 32.48 by revising paragraph C.5 under Umbagog National Wildlife Refuge. The revision reads as follows:

§ 32.48 New Hampshire.

* * * * *

Umbagog National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

5. We allow only temporary tree stands and blinds. You may erect a tree stand or blind no earlier than August 1, and you must remove it by December 31. We prohibit nails, screws, or screw-in climbing pegs to build or access a tree stand or blind (see § 32.2(i)). You must mark tree stands and blinds with your full name and address.

* * * * *

■ 23. Amend § 32.49 by revising paragraphs A.1, A.4, A.8, B, C, and D.1 under Wallkill National Wildlife Refuge. The revisions read as follows:

§ 32.49 New Jersey.

* * * * *

Wallkill National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

1. You must submit a Migratory Bird Hunt Application/Permit (information taken from OMB-approved Migratory Bird Hunt Application,FWS Form 3–2357) to hunt on the refuge. We require hunters to possess a signed refuge hunt permit (name and address only) at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

* * * * *

4. We provide a designated hunting area at 119 Owens Station Road, Vernon, New Jersey. We reserve this property for the exclusive use of physically challenged individuals who have produced evidence of the New Jersey Permit to Shoot or Hunt from a Stationary Vehicle and possess a signed, disabled hunter refuge permit.

* * * * *

8. We require hunters to remove all hunting blind material, boats, and decoys from the refuge at the end of each hunting season (see § 27.93 of this chapter).

* * * * *

B. Upland Game Hunting. We allow hunting of coyote, fox, crow, ruffed grouse, opossum, raccoon, pheasant,

chukar, rabbit/hare/jackrabbit, squirrel, and woodchuck on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. We require hunters to submit a Big Game Hunt Application/Permit (information taken from OMB-approved Big/Upland Game Hunt Application, FWS Form 3–2356) to hunt on the refuge. We require hunters to possess a signed refuge hunt permit (name and address only) at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

2. Conditions A3 through A6, and A11 apply.

3. We prohibit scouting.

4. We prohibit the use of dogs during hunting.

5. We prohibit baiting on refuge lands (see § 32.2(h)).

6. We prohibit night hunting.

7. We prohibit woodchuck hunting prior to July 15; we allow use of only rimfire rifles to harvest woodchuck.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Conditions A3 through A5, A9, A11, B1, B4, and B5 apply.

2. We require firearm hunters to wear, in a conspicuous manner, a minimum of 400 square inches (2,580.6 square centimeters) of solid-color, hunter-orange clothing or material on the head, chest, and back. Bow hunters must meet the same requirements when firearm season is also open. We do not require turkey hunters to wear orange at any time.

3. We require hunters to remove all stands and other hunting material from the refuge at the end of each hunting season (see § 27.93 of this chapter).

4. We allow pre-hunt scouting.

5. We prohibit deer drives.

D. Sport Fishing. * * *

1. We allow fishing in and along the banks of the Wallkill River. We allow shore fishing only in the pond at Owens Station Crossing, Vernon, New Jersey.

* * * * *

■ 24. Amend § 32.50 by revising the introductory text of paragraphs A and C, and revising paragraphs A.2, A.4, A.8, A.9, B.2, B.4, and C.1 under Bitter Lake National Wildlife Refuge. The revisions read as follows:

§ 32.50 New Mexico.

* * * * *

Bitter Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose; duck; coot; mourning, white-winged, and Eurasian collared dove; and sandhill crane on designated areas of the refuge in accordance with State regulations and any special posting or publications, subject to the following conditions:

* * * * *

2. On the Middle Tract (the portion of the refuge located between U.S. Highway 70 and U.S. Highway 380), we allow hunting of goose, duck, sandhill crane, and American coot (no dove):

i. In the designated public hunting area, which is located in the southern portion of the Tract; and

ii. No closer than 100 yards (91.4 meters) to the public auto tour route; and

iii. Only on Tuesdays, Thursdays, and Saturdays during the period when the State seasons that apply to the Middle Tract area are open simultaneously for hunting all of the species allowed; and

iv. Only until 1 p.m. (local time) on each permitted hunt day.

* * * * *

4. You may use only approved nontoxic shotgun shot while hunting (see § 32.2(k)).

* * * * *

8. We do not require permits other than those required by the State.

9. Visit the refuge office or Web site, and/or refer to additional on-site brochures, leaflets, or postings for additional regulations.

B. Upland Game Hunting. * * *

2. On the Middle Tract (the portion of the refuge located between U.S. Highway 70 and U.S. Highway 380), we allow only pheasant hunting:

i. Conditions A.2.i, A.2.ii, and A.2.iv apply.

ii. Only on Tuesdays, Thursdays, and Saturdays during the appropriate State season that applies to the Middle Tract area.

iii. All hunting must cease at 1 p.m. (local time) on each hunt day.

* * * * *

4. Conditions A4, A6, and A9 apply.

* * * * *

C. Big Game Hunting. We allow hunting of mule deer, white-tailed deer, and feral hog on designated areas of the refuge in accordance with State seasons and regulations and any special postings or publications, and subject to the following conditions:

1. We restrict all hunting to the North Tract (including Salt Creek Wilderness Area and the portion of the refuge located north of U.S. Highway 70) with the specification that you may hunt and take feral hog (no bag limit) only while legally hunting deer and only with the weapon legal for deer on that day in that area.

* * * * *

■ 25. Amend § 32.51 by:

■ a. Revising paragraphs A.2, A.4, A.8, A.10, A.13, A.14, A.15, A.16, A.17, and A.18; removing paragraph A.19; revising paragraphs C and D under Montezuma National Wildlife Refuge.

■ b. Adding, in alphabetical order, an entry for Wallkill National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.51 New York.

* * * * *

Montezuma National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We allow hunting only on Tuesdays, Thursdays, and Saturdays during established refuge season set within the State western zone season. We allow a youth waterfowl hunt during the Saturday of the State's established youth waterfowl hunt dates each year.

* * * * *

4. We take opening day reservations between 8:30 a.m. and 9:00 a.m. on the Thursday of the week before the season opener (NOTE: This is not the Thursday directly before the opener). We take youth hunt reservations between 8:30 a.m. and 9:00 a.m. on the Thursday of the week before the youth hunt (NOTE: This is not the Thursday directly before the youth hunt.).

* * * * *

8. You may request the parking area of your choice when making reservations; parking areas are given on a first-come, first-served basis.

* * * * *

10. All hunters with reservations and their hunting companions must check-in at the Route 89 Hunter Check Station area at least 1 hour before legal shooting time or forfeit their reservation.

* * * * *

13. In Tschache Pool, hunters must use motorless boats to hunt, and we limit hunters to one boat per reservation. We also limit hunters to one motor vehicle in the Tschache Pool area per reservation.

14. You must not shoot from any dike or within 50 feet (15.2 meters) of any dike or road, or from within 500 feet (152.4 meters) of the Tschache Pool observation tower. We do not limit hunting to specific blind sites.

15. We will announce selection procedures for hunting sites on areas other than Tschache Pool annually.

16. You may possess a maximum of 15 nontoxic shot shells while in the

field (see § 32.2(k)); you may not take more than 15 shot shells per hunter into the hunting area.

17. You must stop hunting at 12 p.m. (noon), and you must check out and be out of the hunting area by 1 p.m.

18. We require proof of successful completion of the New York State Waterfowl Identification Course, the Montezuma Nonresident Waterfowl Identification Course, or a suitable nonresident State Waterfowl Identification Course to hunt the refuge; all hunters must show proof each time they hunt, in addition to showing their valid hunting license and signed Duck Stamp.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of white-tailed deer only on designated areas of the refuge using archery, firearms (see § 27.42 of this chapter), muzzleloaders, or crossbows during established refuge seasons set within the general State white-tailed deer season. Esker Brook and South Spring Pool Trails are not open to hunting before November 1 each year. We allow a youth white-tailed deer hunt during the State's established youth white-tailed deer hunt dates each year.

2. We allow hunting of white-tailed deer 7 days per week (Monday through Sunday) during the refuge season.

3. You must possess, carry, and present upon request to any law enforcement officer a valid daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356). We will also require you to return the daily hunt permit card at the end of hunting or at the end of the day.

4. Daily hunt permits (Big/Upland Game Hunt Application, FWS Form 3–2356) are available at the Route 89 Hunter Check Station on a first-come, first-served basis, issued by refuge personnel or available on a self-service basis; hunters must come to the Route 89 Hunter Check Station to obtain a permit each day they hunt.

5. We issue a maximum of 300 archery and 175 firearms hunt permit cards each day on a first-come, first-served basis.

6. Hunters must fill out Part A of the daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356) at check-in and leave it with refuge personnel or deposit it in the Part A box at the Route 89 Hunter Check Station.

7. Hunters must carry Part B of the daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356) while hunting the refuge.

8. Hunters must complete Part B (Big/Upland Game Hunt Application, FWS Form 3–2356) and deposit it in the Part B box at the Route 89 Hunter Check Station by the end of the hunt day.

9. Successful hunters must bring their deer to the Route 89 Hunter Check Station, or other refuge-specific location, on days designated by the refuge manager in order for deer to be checked.

10. Firearms hunters must wear in a visible manner on the head, chest, and back a minimum of 400 square inches (2,580.6 square centimeters) of solid, blaze orange. Ground blinds must be marked on all sides with a minimum of 400 square inches (2,580.6 square centimeters) of solid, blaze orange.

11. Hunting weapon restrictions follow New York State regulations; successful harvest with a bow or other weapon during firearms season requires use of a firearms season tag.

12. Advanced scouting of the refuge, prior to the hunting season, will be allowed during a time set by the refuge manager.

13. We prohibit boats and canoes on refuge pools. We prohibit hunting on the open-water portions of the refuge pools until the pools are frozen; when frozen, we allow access for hunting only to the Main Pool and Tschache Pool at the refuge manager's discretion based on safety factors and habitat conditions.

14. We prohibit use of all-terrain vehicles (ATVs) (see § 27.31(f) of this chapter), dirt bikes, bicycles, snowmobiles, and watercraft for the purpose of white-tailed deer hunting.

15. Hunters may only use portable tree stands and must remove them (see § 27.93 of this chapter) from the refuge each day.

16. We prohibit screw-in tree steps, nails, and any object used to puncture the bark of a tree; we do allow climbing tree stands that grip the tree (see § 32.2(i)).

17. We allow white-tailed deer hunters to be on the refuge during the period that begins 1 hour before legal sunrise (except for opening day) and ends 1 hour after legal sunset.

18. On opening day of both archery and firearms seasons, we allow hunters on the refuge during the period that begins 2 hours before legal sunrise and ends 1 hour after legal sunset.

19. We prohibit parking and walking along the Wildlife Drive for the purpose of hunting, unless otherwise posted by refuge personnel. Upland areas adjacent to the Wildlife Drive will be open to white-tailed deer hunting each year on December 1 unless otherwise stated by the refuge manager. The Seneca Trail and refuge headquarters areas will be open to white-tailed deer hunting during the refuge's late archery/muzzleloader season unless otherwise stated by the refuge manager.

20. Incentive programs to address deer density issues may be implemented during the refuge hunting season. Incentive programs may include, but are not limited to, issuing New York State Deer Management Assistance Permit tags to refuge hunters, or implementing an ''earn a buck'' or similar program.

D. Sport Fishing. Anglers may access the New York State Barge Canal System Waters at established fishing access sites on the refuge. You may either bank fish or boat fish in accordance with State regulations.

* * * * *

Wallkill National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. We require hunters to submit a Migratory Bird Hunt Application/Permit (information taken from OMB-approved Migratoru Bird Hunt Application, FWS Form 3–2357) to hunt on the refuge. We require hunters to possess a signed refuge hunt permit (name and address only) at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

2. We issue one companion permit (no personal information) at no charge to each hunter. We allow companions to observe and/or call but not to shoot a firearm or bow. Companion and hunters must set up in the same location.

3. We provide hunters with hunt maps and parking permits (name only) that they must clearly display in their vehicle. Hunters who park on the refuge must park in identified hunt parking areas.

4. We prohibit the use of all-terrain vehicles (ATVs) on the refuge.

5. We require hunters to wear, in a conspicuous manner, a minimum of 400 square inches (2,580.6 square centimeters) of solid-color, hunter-orange clothing or material on the head, chest, and back, except when hunting ducks and geese.

6. We prohibit hunters using or erecting permanent or pit blinds.

7. We require hunters to remove all hunting blind material, boats, and decoys from the refuge at the end of each hunting season (see § 27.93 of this chapter).

8. We allow pre-hunt scouting; however, we prohibit the use of dogs during scouting.

9. We limit the number of dogs per hunting party to no more than two dogs.

10. We allow hunters to enter the refuge 2 hours before shooting time, and they must leave no later than 2 hours after the end of shooting time.

11. We prohibit Sunday hunting.

12. We prohibit hunting after November 30.

B. Upland Game Hunting. We allow hunting of rabbit/hare, gray/black/fox squirrel, pheasant, bobwhite quail, ruffed grouse, crow, red/gray fox, coyote, bobcat, raccoon, skunk, mink, weasel, and opossum on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. We require hunters to submit a Big Game Hunt Application/Permit (information taken from OMB-approved Big/Upland Game Hunt Application, FWS Form 3–2356) to hunt on the refuge. We require hunters to possess a signed refuge hunt permit (name and address only) at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

2. Conditions A3 through A5, and A10 through A12 apply.

3. We prohibit scouting.

4. We prohibit the use of dogs during hunting.

5. We prohibit baiting on refuge lands (see § 32.2(h)).

6. We prohibit night hunting.

7. We prohibit hunting of reptiles and amphibians.

8. We prohibit falconry hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Conditions A3, A4, A8, A10 through A12, B1, B4, and B5 apply.

2. We require firearm hunters to wear, in a conspicuous manner, a minimum of 400 square inches (2,580.6 square centimeters) of solid-color, hunter-orange clothing or material on the head, chest and back. Bow hunters must meet the same requirements when firearm season is also open. We do not require turkey hunters to wear orange at any time.

3. We allow pre-hunt scouting.

4. We require hunters to remove all stands and other hunting material from the refuge at the end of each hunting season (see § 27.93 of this chapter).

5. We prohibit deer drives.

D. Sport Fishing. We allow fishing in designated sections of the refuge in both New York and New Jersey in accordance with State regulations and subject to the following conditions:

1. We allow fishing in and along the banks of the Wallkill River. We allow shore fishing only in the pond at Owens Station Crossing, Vernon, New Jersey.

2. Anglers may fish from legal sunrise to legal sunset.

3. We require that anglers park in designated parking areas to access the Wallkill River through the refuge.

4. On refuge ponds, you may perform only catch-and-release fishing. We prohibit the use of live bait fish on refuge ponds.

5. We prohibit ice fishing on refuge ponds.

6. We prohibit the taking of reptiles and amphibians.

7. We prohibit the digging or collecting of bait.

8. We prohibit commercial fishing on the refuge.

* * * * *

■ 26. Amend § 32.52 by revising paragraphs A.3, A.4, A.10, C.2, C.3, C.4, and C.5; removing paragraphs C.6 and C.7; redesignating paragraphs C.8, C.9, C.10, and C.11 as C.6, C.7, C.8, and C.9, respectively; and revising newly designated paragraph C.7 under Pocosin Lakes National Wildlife Refuge. The revisions read as follows:

§ 32.52 North Carolina.

* * * * *

Pocosin Lakes National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

3. We require all hunters and anglers to possess and carry a signed, self-service refuge hunting/fishing permit (signed brochure) while hunting and fishing on the refuge. We require all hunters age 16 and older to purchase and carry a special refuge recreational activity permit (name/address/phone number).

4. We open the refuge for daylight use only (1/2 hour before legal sunrise to 1/2 hour after legal sunset), except that we allow hunters to enter and remain in hunting areas from 2 hours before legal sunrise until 2 hours after legal sunset when we allow hunting in those areas.

* * * * *

10. We allow the use of only portable blinds and temporary blinds constructed of natural materials, but we prohibit cutting any live vegetation on the refuge (see § 27.51 of this chapter). You must remove portable blinds (see § 27.93 of this chapter) at the end of each day.

* * * * *

C. Big Game Hunting. * * *

2. You may hunt spring turkey only if you possess and carry a valid permit (General Activities Special Use Permit Application, FWS Form 3–1383–G). These permits are valid only for the dates and areas shown on the permit. We require an application and a fee for those permits and hold a drawing, when necessary, to select the permittees. You may possess only approved nontoxic shot (see § 32.2(k)) while hunting turkeys west of Evans Road and on the Pungo Unit.

3. We allow the use of those weapons authorized by the North Carolina Wildlife Resources Commission (NCWRC) for taking deer, including all ''blackpowder firearms,'' as defined by the NCWRC, but we prohibit the use of rifles and pistols.

4. We allow deer hunting on the Pungo Unit only through the end of October each season, except that we allow deer hunting with archery equipment on the Pungo Unit through the end of November.

5. We allow hunters to take feral hogs in any area that is open to hunting deer using only those weapons authorized for taking deer. We also allow hunters to take feral hogs, using only those weapons authorized for taking deer, on the Frying Pan area tracts whenever we open those tracts to hunting any game species with firearms.

* * * * *

7. We allow the use of only portable deer stands (tree climbers, ladders, tripods, etc.), but we require that you remove all of the stands at the end of each day (see § 27.93 of this chapter). We prohibit hunters inserting anything (spikes, screw-in steps, etc.) into a tree. Hunters may use ground blinds, chairs, buckets, and other such items for hunting, but we require that you remove all of these items at the end of each day (see § 27.93 of this chapter).

* * * * *

■ 27. Amend § 32.53 by:

■ a. Adding, in alphabetical order, an entry for Ardoch National Wildlife Refuge.

■ b. Revising paragraph D under Lake Alice National Wildlife Refuge.

■ c. Adding, in alphabetical order, an entry for Rose Lake National Wildlife Refuge.

■ d. Adding, in alphabetical order, an entry for Silver Lake National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.53 North Dakota.

* * * * *

Ardoch National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow shore fishing and ice fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow vehicles and fish houses on the ice as conditions allow. We restrict vehicle use to nonvegetated ice areas and designated roads (see § 27.31 of this chapter).

2. We prohibit boats on the refuge.

* * * * *

Lake Alice National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow ice fishing in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow vehicles and fish houses on the ice as conditions allow. We restrict vehicle use to nonvegetated ice areas and designated roads (see § 27.31 of this chapter).

2. We allow public access for ice fishing from 5:00 a.m. local time to 10:00 p.m. local time.

3. You must remove ice fishing shelters and personal property from the refuge by 10:00 p.m. local time each day.

4. You may not leave unattended fish houses in uplands or in parking areas.

* * * * *

Rose Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow vehicles and fish houses on the ice as conditions allow. We restrict vehicle use to nonvegetated ice areas and designated roads (see § 27.31 of this chapter).

2. We allow boats on refuge waters south of Nelson County Road 23; we prohibit boats on other refuge waters.

3. We require that shore anglers park vehicles in the designated parking lot.

* * * * *

Silver Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow vehicles and fish houses on the ice as conditions allow. We restrict vehicle use to nonvegetated ice areas and designated roads (see § 27.31 of this chapter).

2. We allow boats on Silver Lake and on refuge waters south of the confluence of the Mauvais Coulee and Little Coulee from May 1 through September 30 of each year.

3. We prohibit water activities not related to fishing (*e.g.,* sailing, skiing, tubing, etc.).

* * * * *

■ 28. Amend § 32.55 by removing paragraphs B.4 and B.5, and revising paragraphs A.1, A.5, A.6, B.1, and D.4 under Sequoyah National Wildlife Refuge. The revisions read as follows:

§ 32.55 Oklahoma.

* * * * *

Sequoyah National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

1. You must possess and carry a signed refuge brochure (which serves as your Waterfowl/Migratory Game Bird/Upland Game Hunting Permit). The permit/brochure is available free of charge at the refuge headquarters, at various entry points to the refuge, and on our Web site.

* * * * *

5. Hunters must use only legal shotguns and possess only approved nontoxic shot (see § 32.2(k)). Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32).

6. We prohibit construction of pit blinds or permanent blinds. You must reduce blinds to a natural appearance or remove them (see § 27.93 of this chapter) at the end of the day. You must remove all empty shells, litter, decoys, boats, or other personal property (see §§ 27.93 and 27.94 of this chapter) at the end of the day.

* * * * *

B. Upland Game Hunting. * * *

1. Conditions A1, A3, A5, A8, A9, A10, and A12 apply.

* * * * *

D. Sport Fishing. * * *

4. Conditions A7, A8, and A9 apply.

* * * * *

■ 29. Amend § 32.56 by:

■ a. Revising paragraph C under Bear Valley National Wildlife Refuge.

■ b. Removing paragraphs A.7, A.8, and D.2; redesignating paragraphs A.9 and D.3 as A.7 and D.2, respectively; and revising paragraphs A.3, A.5, and B.2 under Cold Springs National Wildlife Refuge.

■ c. Revising the introductory text of paragraphs A and D under Klamath Marsh National Wildlife Refuge.

■ d. Redesignating paragraphs A.1, A.2, A.3, A.4, B.1 and B.2 as A.4, A.5, A.6, A.7, B.2, and B.3, respectively; revising the introductory text of paragraphs A and B; and adding paragraphs A.1, A.2, A.3, and B.1 under Lower Klamath National Wildlife Refuge.

■ e. Revising paragraphs A.3 and D, removing paragraph A.5, and redesignating paragraph A.6 as A.5 and under McKay Creek National Wildlife Refuge.

■ f. Revising paragraph C under McNary National Wildlife Refuge.

■ g. Adding, in alphabetical order, an entry for Tualatin River National Wildlife Refuge.

■ h. Revising the introductory text of paragraph A; revising paragraph A.3; removing paragraphs A.6, and B.2, and removing and reserving paragraph D.2; redesignating paragraphs A.5, B.3, and B.4 as A.6, B.2, and B.3, respectively; adding paragraph A.5; and revising newly designated paragraph B.2 under Umatilla National Wildlife Refuge.

■ i. Revising the introductory text of paragraphs A and D under Upper Klamath National Wildlife Refuge.

■ j. Revising paragraph C under William L. Finley National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.56 Oregon.

* * * * *

Bear Valley National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of deer only on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

1. Hunting opens concurrent with the State season and closes October 31.

2. We prohibit hunting or public entry of any kind from November 1 to the State-regulated opening day of deer season in the hunting unit.

3. Walk-in access only from designated entry points.

* * * * *

Cold Springs National Wildlife Refuge

A. Migratory Game Bird Hunting.

3. We prohibit discharge of any firearm within ¼ mile (396 meters (m)) of any maintained building or Federal facility, such as, but not limited to, a

structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

* * * * *

5. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, and all federally-recognized holidays within the State season.

* * * * *

B. Upland Game Hunting. * * *

2. We allow hunting from 12 p.m. (noon) to legal sunset on Tuesdays, Thursdays, Saturdays, Sundays, and all federally recognized holidays within the State season.

* * * * *

Klamath Marsh National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot and common snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

* * * * *

Lower Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot and common snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a Refuge Recreation Pass (passholder/expiration date) for all hunters age 16 or older. An adult with a valid Recreation Pass (passholder/expiration date) must accompany hunters younger than the age of 16 who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. You may obtain a reservation through the Waterfowl Lottery (Migratory Bird Hunt Application, FWS form 3–2357) each year.

3. Entry hours begin at 5:00 a.m. unless otherwise posted.

* * * * *

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State regulations, and subject to the following conditions:

1. You must wear an outer garment above the waist that is at least 50 percent blaze orange and visible from both front and back. Outer garments may consist of hat or cap, vest, jacket, shirt, or coat.

* * * * *

McKay Creek National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

3. We prohibit discharge of any firearm within ¼ mile (396 m) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions: Condition A1 applies.

* * * * *

McNary National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow deer hunting on designated areas of the refuge in accordance with State regulations and special conditions listed for McNary National Wildlife Refuge in the State of Washington.

* * * * *

Tualatin River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow waterfowl hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Age: Youth age 17 and younger may participate as active hunters. Youth must be accompanied by an adult age 21 or older. Supervising adults are not allowed to hunt.

2. A maximum of two hunting youth will be allowed per hunting blind. At least one nonhunting supervising adult must accompany youth hunters. Additional nonhunters may also occupy the blind with a hunting youth and nonhunting adult supervisor for a maximum occupancy of 4 persons per blind.

3. Disabled youth hunters must possess an Oregon Disabilities Hunting and Fishing Permit issued by the Oregon Department of Fish and Wildlife (ODFW) to qualify for preference in using the designated accessible hunting blind (see *http://www.dfw.state.or.us/resources/hunting/disability* for further information).

4. We will assign blinds by a random drawing of applications.

5. Hunting season will begin on the last weekend of October, as conditions permit, and run through the end of the regular State hunting season. The refuge will not be open for the 3rd period northwest permit zone goose hunt.

6. Hunting hours: Official start times are listed in the shooting hours table in the Oregon game bird regulations. Shooting time ends at 1:00 p.m. for the entire season.

7. We open the hunt area for access 1½ hours before legal shooting hours.

8. You must remove decoys, other personal property, and trash.

9. We allow dogs for retrieving waterfowl.

10. We prohibit possession of shot size larger than BB.

11. All hunters must hunt from designated blinds.

12. We restrict vehicles to designated public use roads and designated parking areas. No overnight camping or parking.

13. All hunters must have visible means of retrieving waterfowl such as float tube, waders, or a dog capable of retrieving. We prohibit motorized boats.

14. Hunters must check-in and check out at a designated check station. You must report harvest of ducks prior to leaving the refuge. Harvest of geese must be checked at an ODFW-operated goose check station.

15. We prohibit possession of alcohol by any person in the hunt area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Umatilla National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, dove, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

3. We prohibit discharge of any firearm within ¼ mile (396 meters (m)) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

* * * * *

5. We allow dove hunting only on the Boardman Unit.

* * * * *

B. Upland Game Hunting. * * *

2. On the McCormack Fee Hunt Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day from 12 p.m. (noon) to legal sunset of each hunt day.
* * * * *

Upper Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:
* * * * *

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:
* * * * *

William L. Finley National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow deer and elk hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow deer and elk hunting on designated dates from ½ hour before legal sunrise until ½ hour after legal sunset. We post these refuge-specific regulations at self-service hunt kiosks.

2. You may harvest only antlerless elk with appropriate State-issued tags.

3. We prohibit overnight camping or after-hours parking on the refuge.

4. We prohibit hunting from any refuge structure, observation blind, or boardwalk.

5. We require all hunters to register at a self-service hunt kiosk. All hunters must complete a Big Game Harvest Report (FWS Form 3–2359), after each hunt day.

6. Hunters may use portable or climbing stands but must remove them from the refuge daily (see § 27.93 of this chapter). The Service takes no responsibility for the loss or theft of tree stands left in the field.

7. We restrict vehicles to designated public use roads and designated parking areas.

8. We prohibit the use of dogs during hunting.

9. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

10. We prohibit the use of game and trail cameras.
* * * * *

■ 30. Amend § 32.60 by:
■ a. Removing paragraphs A.2 and C.14; redesignating paragraphs A.3, A.4, A.5, C.15, C.16, C.17, C.18, C.19, and C.20 as A.2, A.3, A.4, C.14, C.15, C.16, C.17, C.18, and C.19, respectively; revising newly designated paragraphs A.3 and A.4; adding new paragraph A.5; and revising paragraphs A.1, A.9, B.5, C.1, C.2, C.5, C.9, C.11, C.12, and D.9 under Carolina Sandhills National Wildlife Refuge.
■ b. Revising the introductory text of paragraphs C and D; redesignating paragraphs C.1, C.2, C.3, C.4, C.5, C.6, C.7, C.8, C.9, C.10, C.11, C.12, C.13, C.14, C.15, and C.16 as C.2, C.3, C.4, C.5, C.6, C.7, C.8, C.9, C.10, C.11, C.12, C.13, C.14, C.15, C.16, and C.17; revising newly designated paragraphs C.2 and C.9; and adding paragraphs C.1, C.18, and D.3 under Pinckney Island National Wildlife Refuge.
■ c. Removing paragraph C.11; redesignating paragraphs B.18, B.19, B.20, C.12, C.13, and C.14 as B.19, B.20, B.21, C.11, C.12, and C.13, respectively; revising paragraphs B.7, B.13, C.1, C.7, and D.1; and adding paragraphs B.18, C.14, and D.10 under Santee National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.60 South Carolina.
* * * * *

Carolina Sandhills National Wildlife Refuge

A. Migratory Game Bird Hunting.
* * *

1. All hunters must possess and carry a signed refuge General Hunt Permit (signed brochure) and government-issued picture identification.
* * * * *

3. Each youth hunter (younger than age 16) must remain within sight and normal voice contact and under supervision of an adult age 21 or older with a valid license and applicable permit. Each adult may supervise no more than two youth hunters. Each youth hunter must possess and carry evidence of successful completion of a State-approved hunter education course.

4. We prohibit loaded hunting firearms (see § 27.42 of this chapter) within 100 feet (30.5 meters) of maintained refuge roads or within 500 feet (152.4 meters) of the paved visitor's drive. We prohibit discharge of any weapon on or across any part of the refuge road system. We define a ''loaded firearm'' as a firearm with shells in the magazine or chamber, or, for muzzleloaders, a gun with the percussion caps put in place.

5. We prohibit the possession or use of alcoholic beverages while hunting.
* * * * *

9. We prohibit the possession or use of more than 50 shotgun shells during the September dove hunts.

B. Upland Game Hunting. * * *

5. All persons participating in refuge firearms hunts must wear at least 500 square inches (3,225.8 square centimeters) of unbroken, fluorescent-orange material above the waist as an outer garment that is visible from all sides while hunting and while en route to and from hunting areas. This does not apply to raccoon and opossum hunters.

C. Big Game Hunting. * * *

1. Conditions A1 through A5 and A8 apply (with the following exception for condition A3: Each adult may supervise no more than one youth hunter.).

2. On the day of your successful hunt, and prior to removing any harvested deer, feral hog, or turkey from the refuge, you must complete the Big Game Harvest Report (FWS Form 3-2359).
* * * * *

5. During the primitive weapons hunt, you may use bow and arrow, crossbows, muzzleloading shotguns (20 gauge or larger), or muzzleloading rifles (.40 caliber or larger). We prohibit revolving rifles and black-powder handguns.
* * * * *

9. We prohibit the use of plastic flagging to mark trees or other refuge features.
* * * * *

11. We prohibit the use of all-terrain vehicles (ATVs), except by mobility-impaired hunters with a Special Use Permit (Permit Application Form: National Wildlife Refuge System General Activities, FWS Form 3–1383–G) during big game hunts. Mobility-impaired hunters must have a State Disabled Hunting license in order to receive the Special Use Permit.

12. We prohibit turkey hunters from calling a turkey for another hunter unless both hunters have been selected for the refuge turkey hunts.
* * * * *

D. Sport Fishing. * * *

9. We prohibit the use or possession of alcoholic beverages while fishing.
* * * * *

Pinckney Island National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in

accordance with State regulations and subject to the following conditions:

1. We only allow hunting on the refuge by lottery. We require an application fee to enter the hunt lottery.

2. We require a refuge hunt permit (name/address/phone number) for all hunters chosen in the lottery who are age 16 and older. You must sign the refuge hunt permit and carry it at all times when hunting. We charge a fee for all hunt permits.

* * * * *

9. We allow only shotguns (20 gauge or larger; slugs only), muzzleloaders, and bows, in accordance with State regulations, for hunting.

* * * * *

18. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations in part 32.)

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

3. We require a South Carolina saltwater fishing license.

Santee National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

7. Hunters must unload and case, or lock in a secure compartment, hunting firearms when transporting them in vehicles and boats during refuge hunts. We define a loaded firearm as having ammunition in the chamber or magazine. We will consider muzzleloaders unloaded if the percussion cap is not seated in the chamber.

* * * * *

13. We prohibit hunting from within 100 feet (30.5 meters) of any roadway, whether open or closed to vehicular traffic, or from or within 300 yards (274.3 meters) of any designated hunter check station.

* * * * *

18. We will open hunting areas from 5 a.m. until 8:30 p.m. during designated hunt periods. We require all hunters to personally sign in and sign out at designated hunter check stations when entering and exiting any portion of the refuge and report all game harvested by 8:30 p.m.

* * * * *

C. Big Game Hunting. * * *

1. Conditions B1 through B18 apply.

* * * * *

7. Deer hunting must occur from portable, elevated deer stands that are no less than 10 feet (3 meters) above ground; we prohibit ground blinds. We allow only one stand per hunter, and the hunter must clearly mark the stand with their full name, date, and phone number.

* * * * *

14. We prohibit the use of boats to access upland areas except to access the Plantation

Islands. We allow the use of nonmotorized boats to access the interior canals to inland areas open to hunting.

D. Sport Fishing. * * *

1. A valid State fishing license and a signed refuge fishing permit (signed brochure) must be in each angler's possession while fishing on the refuge, except that we require all recreational fishing boat operators to have only one refuge fishing permit per boat.

* * * * *

10. We prohibit mooring or attaching boats to any refuge boundary marker, post, or navigational post within refuge waters. We also prohibit attaching signs, trotlines, fishing devices, or any other objects to trees, posts, or markers within refuge boundaries.

* * * * *

■ 31. Amend § 32.62 by:

■ a. Revising paragraphs A.2 and B.2; removing paragraphs A.11 and D.6; and redesignating paragraph A.12 as A.11 under Chickasaw National Wildlife Refuge.

■ b. Adding paragraph A.11 under Cross Creeks National Wildlife Refuge.

■ c. Revising paragraphs A.2 and D.7; removing paragraph A.8; redesignating paragraphs A.9, A.10, A.11, A.12 as A.8, A.9, A.10, and A.11, respectively; and revising newly designated paragraph A.10 under Hatchie National Wildlife Refuge.

■ d. Revising paragraph B.2; removing paragraph B.9; redesignating paragraphs B.10, B.11, B.12, B.13, B.14, B.15, and B.16 as B.9, B.10, B.11, B.12, B.13, B.14, and B.15, respectively; and revising newly designated paragraph B.12 under Lake Isom National Wildlife Refuge.

■ e. Revising paragraphs A.2 and A.11, removing paragraphs A.12 and D.8, and redesignating paragraph A.13 as A.12 under Lower Hatchie National Wildlife Refuge.

■ f. Revising paragraph B.2; removing paragraphs B.9, D.5, D.6, D.7, and D.8; redesignating paragraphs B.10, B.11, B.12, B.13, B.14, B.15, and B.16 as B.9, B.10, B.11, B.12, B.13, B.14, and B.15, respectively; and revising newly designated paragraph B.12 under Reelfoot National Wildlife Refuge.

■ g. Revising paragraphs A.12, D.1, and D.4 under Tennessee National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.62 Tennessee.

* * * * *

Chickasaw National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We allow only legally licensed vehicles on maintained refuge roads and parking areas. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), and off-road motorized vehicles. We prohibit airboats, jet skis, hovercrafts, etc. We prohibit parking as to block travel through refuge access roads, gates, and trails (see § 27.31(h) of this chapter).

* * * * *

B. Upland Game Hunting. * * *

2. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no later than 2 hours after legal sunset with the exception of raccoon and opossum hunters who may access the refuge from legal sunset to legal sunrise.

* * * * *

Cross Creeks National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

11. We prohibit the use of lead shot.

* * * * *

Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We allow only legally licensed vehicles on maintained refuge roads and parking areas. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), and off-road motorized vehicles. We prohibit airboats, jet skis, hovercrafts, etc. We prohibit parking as to block travel through refuge access roads, gates, and trails (see § 27.31(h) of this chapter).

* * * * *

10. We prohibit cutting of holes, lanes, or other manipulation of vegetation (*e.g.,* cutting bushes and trees, mowing, herbicide use, and other actions) (see § 27.51 of this chapter).

* * * * *

D. Sport Fishing. * * *

7. We only allow fishing boats of 18 feet (5.5 meters) or less in length on refuge lakes.

* * * * *

Lake Isom National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

2. We allow only legally licensed vehicles on maintained refuge roads and parking areas. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), and off-road motorized vehicles. We prohibit airboats, jet skis, hovercrafts, etc. We prohibit parking as to block travel through refuge access roads, gates, and trails (see § 27.31(h) of this chapter).

* * * * *

12. We prohibit cutting of holes, lanes, or other manipulation of vegetation (*e.g.,* cutting bushes and trees, mowing, herbicide use, and other actions) (see § 27.51 of this chapter).

* * * * *

Lower Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We allow only legally licensed vehicles on maintained refuge roads and parking areas. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), and off-road motorized vehicles. We prohibit airboats, jet skis, hovercrafts, etc. We prohibit parking as to block travel through refuge access roads, gates, and trails (see § 27.31(h) of this chapter).

* * * * *

11. We prohibit cutting of holes, lanes, or other manipulation of vegetation (*e.g.,* cutting bushes and trees, mowing, herbicide use, and other actions) (see § 27.51 of this chapter).

* * * * *

Reelfoot National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

2. We allow only legally licensed vehicles on maintained refuge roads and parking areas. We prohibit all-terrain vehicles (ATVs), utility-type vehicles (UTVs), and off-road motorized vehicles. We prohibit airboats, jet skis, hovercrafts, etc. We prohibit parking as to block travel through refuge access roads, gates, and trails (see § 27.31(h) of this chapter).

* * * * *

12. We prohibit cutting of holes, lanes, or other manipulation of vegetation (*e.g.,* cutting bushes and trees, mowing, herbicide use, and other actions) (see § 27.51 of this chapter).

* * * * *

Tennessee National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

12. We prohibit the use of lead shot.

* * * * *

D. Sport Fishing. * * *

1. We allow fishing in Swamp Creek, Sulphur Well Bay, and Bennetts Creek from March 16 through November 14. The remainder of the refuge portion of Kentucky Lake will remain open year-round. We allow bank fishing year-round along Refuge Lake from the New Johnsonville Pump Station.

* * * * *

4. We allow fishing on interior refuge impoundments from ½ hour before legal sunrise to ½ hour after legal sunset from March 16 to November 14.

* * * * *

■ 32. Amend § 32.63 by:

■ a. Revising paragraph A.2, and adding paragraphs A.6, A.7, A.8, A.9, A.10, A.11, A.12, A.13, and A.14 under Big Boggy National Wildlife Refuge.

■ b. Revising paragraphs A and D.5, and adding paragraph D.8 under Brazoria National Wildlife Refuge.

■ c. Revising paragraphs A and C.1, and adding paragraph C.13 under Lower Rio Grande Valley National Wildlife Refuge.

■ d. Revising paragraphs A.2 and A.4, and adding paragraphs A.7, A.8, A.9, A.10, A.11, A.12, A.13, A.14, A.15, and D.4 under San Bernard National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.63 Texas.

* * * * *

Big Boggy National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. Hunters may enter the refuge hunt units no earlier than 4 a.m. Hunting starts at the designated legal shooting time and ends at 12 p.m. (noon). Hunters must leave refuge hunt units by 1:00 p.m.

* * * * *

6. We prohibit the building or use of pits and permanent blinds (see §§ 27.92 and 27.93 of this chapter).

7. We only allow the use of motorized boats, including airboats, in open tidal waters. We prohibit the operation of motorized boats on or through emergent and submergent wetland vegetation, or in shallow water where bottom gouging could occur. Motorized boats may enter shallow water by drifting, polling, or by means of trolling motor where it does not cause damage to the bottom.

8. You must remove all decoys, boats, spent shells, marsh chairs, vegetation (blind material), and other equipment (see § 27.93 of this chapter) from the refuge daily. We prohibit the use of plastic flagging, reflectors, or reflective tape.

9. We prohibit the use or possession of alcoholic beverages in all public hunting areas and parking lots.

10. We prohibit camping and/or campfires in all public hunting areas and parking lots.

11. We prohibit blocking of gates and roadways (see § 27.31(h) of this chapter). We prohibit vehicles operating off-road for any reason. Hunters must park vehicles in designated parking areas, and in such a manner as to not obstruct normal vehicle traffic.

12. The minimum allowed distance between hunt parties is 100 yards (91.44 meters).

13. We prohibit entry (scouting) in the public waterfowl hunting areas prior to the opening of the State-specified waterfowl hunting seasons.

14. We restrict vehicle access to service roads not closed by gates or signs. We prohibit the use of motorized vehicles (see § 27.31 of this chapter). You may access hunt units from land only by foot or nonmotorized bicycle. You may access public waterfowl hunting areas by motorized boat from State waters, where applicable.

* * * * *

Brazoria National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. Hunters may enter the refuge hunt units no earlier than 4 a.m. Hunting starts at the designated legal shooting time and ends at 12 p.m. (noon). Hunters must leave refuge hunt units by 1:00 p.m.

3. We allow hunting in the Alligator Marsh public waterfowl hunting area (see map) daily during the September Teal season and on Saturdays, Sundays, and Wednesdays of the regular waterfowl season.

4. We prohibit the building of pits and permanent blinds.

5. We only allow the use of motorized boats, including airboats, in open tidal waters. We prohibit the operation of motorized boats on or through emergent and submergent wetland vegetation, or in shallow water where bottom gouging

could occur. Motorized boats may enter shallow water by drifting, polling, or by means of trolling motor where it does not cause damage to the bottom.

6. We prohibit target practice on the refuge.

7. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

8. You must remove all decoys, boats, spent shells, marsh chairs, vegetation (blind material), and other equipment (see § 27.93 of this chapter) from the refuge daily. We prohibit the use of plastic flagging, reflectors, or reflective tape.

9. We prohibit the use or possession of alcoholic beverages in all public hunting areas and parking lots.

10. We prohibit camping and/or campfires in all public hunting areas and parking lots.

11. We prohibit blocking of gates and roadways (see § 27.31(h) of this chapter). We prohibit vehicles operating off-road for any reason. Hunters must park vehicles in designated parking areas, and in such a manner as to not obstruct normal vehicle traffic.

12. The minimum allowed distance between hunt parties is 100 yards (91.44 meters (m)).

13. We allow the retrieval of downed waterfowl inside a 100-yard (91.44-m) retrieval zone west of Middle bayou. We also allow the retrieval of downed waterfowl inside a 100-yard (91.44-m) retrieval zone around the portions of Alligator Lake that are open to hunting.

14. We prohibit entry (scouting) in the public waterfowl hunting areas prior to the opening of the State-specified waterfowl hunting seasons.

15. We restrict vehicle access to service roads not closed by gates or signs. We prohibit the use of motorized vehicles (see § 27.31 of this chapter). You may access hunt units from land only by foot or nonmotorized bicycle. You may access public waterfowl hunting areas by motorized boat from State waters, where applicable.

16. We prohibit hunting in Salt Lake, Nicks Lake, and East Lost Lake, which are refuge waters designated as public fishing areas.

* * * * *

D. Sport Fishing. * * *

5. We only allow nonmotorized boat launching at the Salt Lake and Clay Banks public fishing areas. The refuge provides no other boat launching facilities. Anglers must park motor vehicles used for launching nonmotorized boats at the Salt Lake and Clay Banks public fishing areas in the designated parking area.

* * * * *

8. Condition A5 applies.

* * * * *

Lower Rio Grande Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning, white-winged, and white-tipped dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. The hunting season will be concurrent with the State season. We publish this information in the refuge hunting sheet.

2. The bag and possession limits will be consistent with State regulations.

3. You must possess and use only approved nontoxic shot for hunting while in the field (see § 32.2(k)).

4. Hunters must contact the refuge office for designated tracts of the refuge and details.

5. We may close refuge tracts to hunting for the protection of resources, as determined by the refuge manager.

6. We require hunters to pay a fee to obtain a refuge hunt permit (name only required) and to possess and carry such permit at all times during your designated hunt period. Hunters must also display the refuge-issued vehicle placard (part of the hunt permit) while participating in the designated hunt period. Hunters, including youth hunters, must also have a valid hunting license, proof of hunter's education certification, and picture identification in order to obtain a refuge hunt permit and must the items listed in this condition A6 while on the refuge hunt.

7. You should park in designated refuge parking areas if they are available. You may park along County roads; however, you must not block the path of traffic, access to the refuge, or private property. We will tow inappropriately parked vehicles at the owner's expense.

8. We define youth hunters as ages 9 to 16. A Texas-licensed, adult hunter, age 17 or older who has successfully completed a Hunter Education Training course, must accompany youth hunters. We exempt those persons born prior to September 2, 1971, from the Hunter Education Training Course requirement. We define accompanied as being within normal voice contact. Each adult hunter may supervise only one youth hunter.

9. You may access the refuge during your permitted hunt period from 1 hour before legal hunt time to 1 hour after legal hunt time; however, you may not hunt outside of the legal hunt hours.

10. Your licenses, permits, hunting equipment, effects, and vehicles or other conveyances are subject to inspection by Federal, State, and local law enforcement officers.

11. We restrict hunt participants to those listed on the refuge hunt permit (hunter, nonhunting chaperone, and nonhunting assistant). We require all participants to wear hunter orange according to Texas State regulations: 400 square inches (2,580.6 square centimeters) that is visible on the chest, back, and head.

12. We allow only the hunter to hunt and carry or discharge the applicable hunting shotgun, muzzleloader, rifle, or bow.

13. We allow hunters to use bicycles on designated routes of travel.

14. You may use properly trained retriever dogs to retrieve doves during the hunt, but the dog must be under the control of the handler at all times (dogs must not be allowed to roam free).

15. We prohibit hunters discharging firearms for any purpose other than to take or attempt to take a game bird listed in the introductory text of this paragraph A.

16. We prohibit use of flagging or any other type of marker.

17. We prohibit hunters cutting or trimming any vegetation or brush.

18. We prohibit overnight camping.

19. We prohibit the use of motorized vehicles.

20. We prohibit the use or possession of alcohol while hunting on the refuge.

21. We prohibit the use or possession of bait during scouting or hunting. We consider bait to be anything that may be eaten or ingested by wildlife.

22. We reserve the right to revoke or deny any permit for up to 5 years for the following conditions: Lack of public safety to a degree that may endanger oneself or other persons or property; multiple regulation violations; or aggressive, abusive, or intimidating demeanor to any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an allowed activity on the refuge.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A4 through A13 and A16 through A22 apply.

* * * * *

13. We annually establish specific bag limits for white-tailed deer based on survey data provided by the refuge or State. We establish no bag limits for feral hog or nilgai antelope. We publish

this information in the refuge hunting sheet.

* * * * *

San Bernard National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

2. Hunters may enter the refuge hunt units no earlier than 4 a.m. Hunting starts at the designated legal shooting time and ends at 12 p.m. (noon). Hunters must leave refuge hunt units by 1:00 p.m.

* * * * *

4. Hunters may possess no more than 25 shot shells (in the aggregate) in the Sargent Permit Waterfowl Hunt Area.

* * * * *

7. We prohibit the building or use of pits and permanent blinds (see §§ 27.92 and 27.93 of this chapter).

8. We only allow the use of motorized boats, including airboats, in open tidal waters. We prohibit the operation of motorized boats on or through emergent and submergent wetland vegetation, or in shallow water where bottom gouging could occur. Motorized boats may enter shallow water by drifting, polling, or by means of trolling motor where it does not cause damage to the bottom.

9. You must remove all decoys, boats, spent shells, marsh chairs, vegetation (blind material), and other equipment (see § 27.93 of this chapter) from the refuge daily. We prohibit the use of plastic flagging, reflectors, or reflective tape.

10. We prohibit the use or possession of alcoholic beverages in all public hunting areas and parking lots.

11. We prohibit camping and/or campfires in all public hunting areas and parking lots.

12. We prohibit blocking of gates and roadways (see § 27.31(h) of this chapter). We prohibit vehicles operating off-road for any reason. Hunters must park vehicles in designated parking areas, and in such a manner as to not obstruct normal vehicle traffic.

13. The minimum allowed distance between hunt parties is 100 yards (91.44 meters).

14. We prohibit entry (scouting) in the public waterfowl hunting areas prior to the opening of the State-specified waterfowl hunting seasons.

15. We restrict vehicle access to service roads not closed by gates or signs. We prohibit the use of motorized vehicles (see § 27.31 of this chapter). You may access hunt units from only by foot or from nonmotorized bicycle. You may access public waterfowl hunting areas by motorized boat from State waters, where applicable.

* * * * *

D. Sport Fishing. * * *

4. Condition A8 applies.

* * * * *

■ 33. Amend § 32.65 by revising the introductory text of paragraph C; revising paragraph C.1; and adding paragraphs A.3, B.9, and C.9 under Missisquoi National Wildlife Refuge. The revisions and additions read as follows:

§ 32.65 Vermont.

* * * * *

Missisquoi National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

3. On the Eagle Point Unit, we allow hunting of goose, duck, brant, merganser, coot, woodcock, and snipe in accordance with State regulations and these refuge-specific regulations:

i. You may possess only approved nontoxic shot shells (see § 32.2(k)) in quantities of 25 or fewer per day.

ii. We prohibit permanent blinds.

iii. You must use at least six decoys.

iv. Unarmed hunters may scout open hunting areas before a particular season opens but in no case before September 1. We do not require a hunting permit for scouting.

B. Upland Game Hunting. * * *

9. On the Eagle Point Unit, we allow hunting of cottontail rabbits, snowshoe hare, ruffed grouse, and gray squirrels in accordance with State regulations.

C. Big Game Hunting. We allow hunting of big game in accordance with State regulations and subject to the following conditions:

1. We allow hunting of white-tailed deer. We prohibit hunting of bear, moose, and turkey except under condition C9.

* * * * *

9. On the Eagle Point Unit, we allow hunting of white-tailed deer, bear, moose, and turkey in accordance with State regulations and subject to the following conditions:

i. You may use portable tree stands in accordance with State regulations guiding their use on State Wildlife Management Areas. We prohibit permanent stands and blinds.

ii. We allow training of hunting dogs during the regular hunting seasons as regulated by the State. Dog training outside the regular hunting seasons (June 1 to July 31) will be permitted by Special Use Permit (Permit Application Form: National Wildlife Refuge System General Special Use, FWS Form 1383–G) only.

iii. We require Special Use Permits to train hunting dogs from June 1 to July 31. Permits must be requested in writing from the refuge manager, Missisquoi National Wildlife Refuge.

* * * * *

■ 34. Amend § 32.66 by:

■ a. Revising paragraph C.5 under James River National Wildlife Refuge.

■ b. Revising paragraph C.6 under Presquile National Wildlife Refuge.

■ c. Revising paragraph C.5 under Rappahannock River National Wildlife Refuge.

The revisions read as follows:

§ 32.66 Virginia.

* * * * *

James River National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

5. We allow the take of two deer per day.

* * * * *

Presquile National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

6. We allow the take of two deer per day.

* * * * *

Rappahannock River National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

5. We allow the take of two deer per day.

* * * * *

■ 35. Amend § 32.67 by:

■ a. Removing paragraph B.3, revising the introductory text of paragraph C, revising paragraphs A.3 and C.2, and adding paragraph C.3 under McNary National Wildlife Refuge.

■ b. Removing paragraphs A.6, A.8, and D.2; redesignating paragraphs A.7 and A.9 as A.6 and A.7, respectively; and revising paragraphs A.3, A.5, B.1, B.2, C.1, and D under Umatilla National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.67 Washington.

* * * * *

McNary National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

3. We prohibit discharge of any firearm within ¼ mile (396 m) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road

shoulder, road embankment, or designated parking area.

* * * * *

C. Big Game Hunting. We allow hunting of deer only on the Stateline, Juniper Canyon, Peninsula, Two-Rivers, and Wallula Units in accordance with State regulations and subject to the following conditions:

* * * * *

2. On the Stateline and Juniper Canyon Units, we allow hunting with modern firearms, shotgun, muzzleloader, and archery.

3. On the Peninsula, Two-Rivers, and Wallula Units, we allow hunting with archery and shotgun only.

* * * * *

Umatilla National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

3. We prohibit discharge of any firearm within ¼ mile (396 m) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

* * * * *

5. On the Paterson and Whitcomb Units, we allow hunting only on Wednesdays, Saturdays, Sundays, and all federally recognized holidays within the State season.

* * * * *

B. Upland Game Hunting. * * *

1. Conditions A1, A2, A3, A5, and A7 apply.

2. On the Whitcomb Island Unit, we only allow hunting of upland game from 12 p.m. (noon) to legal sunset of each hunt day.

C. Big Game Hunting. * * *

1. Conditions A1, A2, A3, and A7 apply.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions: Conditions A1 and A7 apply.

* * * * *

■ 36. Amend § 32.69 by:

■ a. Revising paragraph C under Fox River National Wildlife Refuge.

■ b. Revising paragraphs C.3 and D.1 under Horicon National Wildlife Refuge.

■ c. Adding paragraph A.3, and revising paragraphs B and C under Leopold Wetland Management District.

■ d. Revising paragraphs A and B.1 under Necedah National Wildlife Refuge.

■ e. Adding paragraph A.3, and revising paragraph B under St. Croix Wetland Management District.

■ f. Revising paragraph A under Trempealeau National Wildlife Refuge.

■ g. Adding paragraph A.3 under Whittlesey National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.69 Wisconsin.

* * * * *

Fox River National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and seasons, and subject to the following conditions:

1. We prohibit the construction or use of permanent blinds, platforms, or ladders.

2. We allow hunting during the State archery, crossbow, muzzleloader, and firearms seasons.

3. You must remove all stands from the refuge following each day's hunt. We prohibit hunting from any stand left up overnight.

4. Refuge access is from 1 hour before to 1 hour after legal shooting hours.

5. Any ground blind used during any gun deer season must display at least 144 square inches (929 square centimeters) of solid, blaze-orange material visible from all directions.

* * * * *

Horicon National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

3. You must remove all stands from the refuge following each day's hunt. We prohibit hunting from any stand left up overnight.

* * * * *

D. Sport Fishing. * * *

1. We allow only bank fishing or fishing through the ice.

* * * * *

Leopold Wetland Management District

A. Migratory Game Bird Hunting.

* * *

3. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of upland game throughout the district (except that we prohibit hunting on the Blue-wing Waterfowl Production Area (WPA) in Ozaukee County or the Wilcox WPA in Waushara County) in accordance with State regulations and subject to the following conditions: Conditions A1 and A3 apply.

C. Big Game Hunting. We allow hunting of big game throughout the district (except that we prohibit hunting on the Blue-wing Waterfowl Production Area (WPA) in Ozaukee County or the Wilcox WPA in Waushara County) in accordance with State regulations and subject to the following conditions:

1. We prohibit hunting from any stand left up overnight.

2. Any ground blind used during any gun deer season must display at least 144 square inches (929 square centimeters) of solid, blaze-orange material visible from all directions.

* * * * *

Necedah National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds only on designated areas of the refuge in accordance with State regulations and subject to the following condition: For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. * * *

1. Condition A applies.

* * * * *

St. Croix Wetland Management District

A. Migratory Game Bird Hunting.

* * *

3. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of upland game throughout the district in accordance with State regulations and subject to the following conditions: Conditions A1 through A3 apply.

* * * * *

Trempealeau National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a refuge permit.

2. For hunting, you may use or possess only approved nontoxic shot shells (see § 32.2(k)).

* * * * *

Whittlesey Creek National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

3. For hunting, you may use or possess only approved nontoxic shot shells (see § 32.2(k)).

* * * * *

Dated: June 1, 2015.

Michael Bean,

Assistant Secretary for Fish and Wildlife and Parks.

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