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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2014–0023]

Gypsy Moth Generally Infested Areas; Additions in Minnesota, Virginia, West Virginia, and Wisconsin

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the gypsy moth regulations by adding areas in Minnesota, Virginia, West Virginia, and Wisconsin to the list of generally infested areas based on the detection of infestations of gypsy moth in those areas. As a result of the interim rule, the interstate movement of regulated articles from those areas was restricted. The interim rule was necessary to prevent the artificial spread of the gypsy moth to noninfested areas of the United States.

DATES: Effective on September 4, 2015, we are adopting as a final rule the interim rule published at 80 FR 12916–12917 on March 12, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Chaloux, National Policy Manager, Emerald Ash Borer Program and Gypsy Moth Program, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737; (301) 851–2064.

SUPPLEMENTARY INFORMATION: The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest, shade, and commercial trees such as nursery stock and Christmas trees. The gypsy moth regulations (contained in 7 CFR 301.45 through 301.45–12 and referred to below as the regulations) restrict the interstate movement of regulated articles from generally infested areas to prevent the artificial spread of the gypsy moth.

In an interim rule [1] effective and published in the **Federal Register** on March 12, 2015 (80 FR 12916–12917, Docket No. APHIS–2014–0023), we amended the regulations in § 301.45–3(a) by adding the following areas to the list of generally infested areas: Cook and Lake Counties in Minnesota; Tazewell County in Virginia; McDowell, Mercer, Raleigh, Summers, and Wyoming Counties in West Virginia; and Iowa County in Wisconsin. As a result of the interim rule, the interstate movement of regulated articles from these areas was restricted.

Comments on the interim rule were required to be received on or before May 11, 2015. We received two comments by that date. The comments were from the National Plant Board and an individual. Both commenters supported the interim rule. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 80 FR 12916–12917 on March 12, 2015.

[1] To view the interim rule and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0023.*

Done in Washington, DC, this 31st day of August 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–21998 Filed 9–3–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1980

RIN 0570–AA94

Strategic Economic and Community Development

AGENCY: Rural Business-Cooperative Service, Rural Housing Service, Rural Utilities Service, Farm Service Agency, U.S. Department of Agriculture (USDA).

ACTION: Interim rule with public comment; reopening of public comment period.

SUMMARY: Through this action, the Rural Housing Service, the Rural Business-Cooperative Service, the Rural Utilities Service, and the Farm Service Agency are reopening the comment period for the interim rule, published on May 20, 2015 ''Strategic Economic and Community Development''.

DATES: Comments on the interim rule that was published on May 20, 2015 (80 FR 28807) and effective June 19, 2015, must be received by September 18, 2015.

ADDRESSES: Submit your comments on this rule by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail, or other courier service requiring

a street address, to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street SW., 7th Floor, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street, SW., 7th Floor address listed above.

FOR FURTHER INFORMATION CONTACT: Farah Ahmad, Rural Business-Cooperative Service, U.S. Department of Agriculture, Stop 3254, 1400 Independence Avenue SW., Washington, DC 20250–0783, Telephone: 202–245–1169. Email: *Farah.Ahmad@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: On July 20, 2015, the Rural Housing Service, the Rural Business-Cooperative Service, the Rural Utilities Service, and the Farm Service Agency published an interim rule with comment in the **Federal Register** (80 FR 28807), ''Strategic Economic and Community Development.'' The interim rule identified that public comments were to be submitted by August 18, 2015. Unfortunately, the Web site Regulations.gov inadvertently closed the comment period on July 20, 2015, which was the closing date for comments on the information collection request. To compensate for closing the comment period early via the Regulations.gov Web site, this action provides commenters additional time to submit comments on the interim rule.

Dated: August 26, 2015.

Lisa Mensah,

Under Secretary, Rural Development.

Dated: August 27, 2015.

Michael Scuse,

Under Secretary, Farm and Foreign Agricultural Services.

[FR Doc. 2015–21898 Filed 9–3–15; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520, 524, and 558

[Docket No. FDA–2015–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during May and June 2015. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to reflect a nonsubstantive change. This technical amendment is being made to improve the accuracy of the regulations.

DATES: This rule is effective September 4, 2015.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during May and June 2015, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the Internet may obtain these documents at the CVM FOIA Electronic Reading Room: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *http://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING MAY AND JUNE 2015

NADA/ANADA	Sponsor	New animal drug product name	Action	21 CFR sections	FOIA summary	NEPA review
141–417	Bayer HealthCare LLC, Animal Health Division, P.O. Box 390, Shawnee Mission, KS 66201.	CORAXIS (moxidectin) Topical Solution for Dogs.	Original approval for the prevention of heartworm disease, and for the treatment and control of intestinal hookworm, roundworm and whipworm infections in dogs.	524.1450	yes	CE.[1 2]
141–188	Merial Inc., 3239 Satellite Blvd., Bldg. 500, Duluth, GA 30096–4640.	MARQUIS (ponazuril) Oral Paste.	Supplemental approval of a revised dosage that includes a loading dose on the first day of treatment.	520.1855	yes	CE.[1 2]
141–262	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	CERENIA (maropitant citrate) Tablets.	Supplemental approval extending duration of daily administration until resolution of acute vomiting.	520.1315	yes	CE.[1 2]

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING MAY AND JUNE 2015—Continued

NADA/ANADA	Sponsor	New animal drug product name	Action	21 CFR sections	FOIA summary	NEPA review
141–291	Dechra, Ltd., Snaygill Industrial Estate, Keighley Rd., Skipton, North Yorkshire, BD23 2RW, United Kingdom.	VETORYL (trilostane) Capsules.	Supplemental approval of a 5-milligram capsule size.	520.2598	no	CE.[1 2]
141–278	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	ZILMAX (zilpaterol hydrochloride) plus RUMENSIN (monensin). Type A medicated articles.	Supplemental approval to provide for component feeding of combination drug Type C medicated feeds to cattle fed in confinement for slaughter.	558.665	yes	CE.[1 3]
141–282	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	ZILMAX (zilpaterol hydrochloride) plus RUMENSIN (monensin) plus MGA (melengestrol acetate). Type A medicated articles.	Supplemental approval to provide for component feeding of combination drug Type C medicated feeds to heifers fed in confinement for slaughter.	558.665	yes	CE.[1 3]
141–284	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	ZILMAX (zilpaterol hydrochloride) plus MGA (melengestrol acetate). Type A medicated articles.	Supplemental approval to provide for component feeding of combination drug Type C medicated feeds to heifers fed in confinement for slaughter.	558.665	yes	CE.[1 3]
200–497	Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland.	LOXICOM (meloxicam) 1.5 mg/mL Oral Suspension.	Original approval as a generic copy of NADA 141–213.	520.1367	yes	CE.[1 3]
200–580	Huvepharma AD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	TYLOVET (tylosin phosphate) plus SACOX (salinomycin sodium) Type C medicated feeds.	Original approval as a generic copy of NADA 141–198.	[4] 558.550	yes	CE.[1 3]

[1] The Agency has determined that this action is categorically excluded (CE) from the requirement to submit an environmental assessment or an environmental impact statement because it is of a type that does not have a significant effect on the human environment.
[2] CE granted under 21 CFR 25.33(d)(1).
[3] CE granted under 21 CFR 25.33(a)(1).
[4] The regulation does not require amendment.

Also, the animal drug regulations are being amended to reflect approved labeling for hand feeding bambermycins medicated cattle feed. This technical amendment is being made to improve the accuracy of the regulations.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Parts 520 and 524

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520, 524, and 558 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 520.1315, revise paragraph (c)(1) to read as follows:

§ 520.1315 Maropitant.

* * * * *

(c) * * *

(1) *Indications for use and amount.* (i) For prevention of acute vomiting in dogs 2 to 7 months of age, administer a minimum dose of 2.0 mg per kilogram (/kg) body weight once daily for up to 5 consecutive days.

(ii) For prevention of acute vomiting in dogs 7 months of age and older, administer a minimum dose of 2.0 mg/kg body weight once daily until resolution of acute vomiting.

(iii) For prevention of vomiting due to motion sickness in dogs 4 months of age and older, administer a minimum of 8.0 mg/kg body weight once daily for up to 2 consecutive days.

* * * * *

§ 520.1367 [Amended]

■ 3. In § 520.1367, in paragraph (b)(2), remove ''No. 013744'' and in its place add ''Nos. 013744 and 055529''.

■ 4. In § 520.1855, revise paragraph (c)(1) to read as follows:

§ 520.1855 Ponazuril.

* * * * *

(c) * * *

(1) *Amount.* Administer orally 15 mg per kilogram (kg) (6.81 mg per pound (lb)) body weight as the first dose, followed by 5 mg/kg (2.27 mg/lb) body weight once daily for a period of 27 additional days.

* * * * *

§ 520.2598 [Amended]

■ 5. In § 520.2598, in paragraph (a), remove ''10, 30, or 60 milligrams'' and in its place add ''5, 10, 30, 60, or 120 milligrams''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 6. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 7. In § 524.1450, and revise paragraphs (a), (b), and (d), and remove paragraph (e).

The revisions read as follows:

§ 524.1450 Moxidectin.

(a) *Specifications.* Each milliliter of solution contains:

(1) 5 milligrams (mg) moxidectin (0.5 percent solution).

(2) 25 mg moxidectin (2.5 percent solution).

(b) *Sponsors.* See sponsor numbers in § 510.600 of this chapter:

(1) No. 000010 for use of product described in paragraph (a)(1) of this section as in paragraph (d)(1) of this section;

(2) No. 000859 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(2) of this section.

* * * * *

(d) *Conditions of use*—(1) *Cattle*—(i) *Amount.* Administer topically 0.5 mg per kilogram (kg) of body weight.

(ii) *Indications for use.* Beef and dairy cattle: For treatment and control of internal and external parasites: gastrointestinal roundworms (*Ostertagia ostertagi* (adult and L4, including inhibited larvae), *Haemonchus placei* (adult and L4), *Trichostrongylus axei* (adult and L4), *T. colubriformis* (adult and L4), *Cooperia oncophora* (adult and L4), *C. pectinata* (adult), *C. punctata* (adult and L4), *C. spatulata* (adult), *C. surnabada* (adult and L4), *Bunostomum phlebotomum* (adult), *Oesophagostomum radiatum* (adult and L4), *Nematodirus helvetianus* (adult and L4)); lungworms (*Dictyocaulus viviparus* (adult and L4)); cattle grubs (*Hypoderma bovis, H. lineatum*); mites (*Chorioptes bovis, Psoroptes ovis* (*P. communis* var. *bovis*)); lice (*Linognathus vituli, Haematopinus eurysternus, Solenopotes capillatus, Bovicola* (*Damalinia*) *bovis*); and horn flies (*Haematobia irritans*). To control infections and to protect from reinfection with *H. placei* for 14 days after treatment, *O. radiatum* and *O. ostertagi* for 28 days after treatment, and *D. viviparus* for 42 days after treatment.

(iii) *Limitations.* A withdrawal period has not been established for this product on preruminating calves. Do not use on calves to be processed for veal. See § 500.25 of this chapter.

(2) *Dogs*—(i) *Amount.* Administer topically a minimum of 1.1 mg per pound (lb) (2.5 mg/kg) of body weight, once monthly using the appropriate preloaded applicator tube.

(ii) *Indications for use.* For the prevention of heartworm disease caused by *Dirofilaria immitis,* as well as the treatment and control of intestinal hookworm (*Ancylostoma caninum* (adult, immature adult, and L4 larvae) and *Uncinaria stenocephala* (adult, immature adult, and L4 larvae)), roundworm (*Toxocara canis* (adult and L4 larvae) and *Toxascaris leonina* (adult)), and whipworm (*Trichuris vulpis* (adult)) infections in dogs and puppies that are at least 7 weeks of age and that weigh at least 3 lbs.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 8. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.95 [Amended]

■ 9. In § 558.95, in the table in paragraph (d)(4)(ii), in the ''Bambermycins in grams/ton'' column, remove ''2 to 40'' and in its place add ''2 to 80''; and in the ''Limitations'' column, remove the first sentence and in its place add ''Feed continuously on a hand-fed basis at a rate of 10 to 40 milligrams per head per day in 1 to 10 pounds of supplemental Type C medicated feed.''.

■ 10. In § 558.665, revise paragraphs (d)(2) and (e) to read as follows:

§ 558.665 Zilpaterol.

* * * * *

(d) * * *

(2) Labeling of Type A medicated articles and Type B medicated feeds used to manufacture complete Type C medicated feeds shall bear the caution statement in paragraph (d)(3) of this section.

* * * * *

(e) *Conditions of use in cattle.* It is administered in feed as follows:

Zilpaterol hydrochloride in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(1) 6.8	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed.	Feed continuously as the sole ration during the last 20 to 40 days on feed to provide 60 to 90 mg zilpaterol hydrochloride per head per day. Withdrawal period: 3 days. See paragraph (d) of this section.	000061
(2) 6.8	Monensin 10 to 40 ...	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii.*	Feed continuously as the sole ration during the last 20 to 40 days on feed to provide 60 to 90 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraph § 558.355(d) of this chapter Monensin as provided by No. 000986 in § 510.600(c) of this chapter.	000061 000986

Zilpaterol hydrochloride in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(3) 6.8	Melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; and for suppression of estrus (heat).	Feed continuously as the sole ration during the last 20 to 40 days on feed to provide 60 to 90 mg zilpaterol hydrochloride per head per day. Withdrawal period: 3 days. See paragraph (d) of this section. Melengestrol acetate as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter.	000061 000986
(4) 6.8	Monensin 10 to 40 plus melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii;* and for suppression of estrus (heat).	Feed continuously as the sole ration during the last 20 to 40 days on feed to provide 60 to 90 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraphs §§ 558.342(d) and 558.355(d) of this chapter. Monensin as provided by No. 000986; melengestrol acetate as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter.	000061 000986
(5) 6.8	Monensin 10 to 40, plus tylosin 8 to 10.	For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii;* and for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes*.	Feed continuously as the sole ration during the last 20 to 40 days on feed to provide 60 to 90 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraphs §§ 558.355(d) and 558.625(c) of this chapter. Monensin as provided by No. 000986; tylosin as provided by Nos. 000986 or 016592 in § 510.600(c) of this chapter.	000061 016592
(6) 6.8	Monensin 10 to 40, plus tylosin 8 to 10, plus melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii;* for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes;* and for suppression of estrus (heat).	Feed continuously as the sole ration during the last 20 to 40 days on feed to provide 60 to 90 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraphs §§ 558.342(d), 558.355(d), and 558.625(c) of this chapter. Monensin as provided by No. 000986; tylosin as provided by Nos. 000986 or 016592; and melengestrol acetate as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter.	000061 000986 016592
(7) 6.8 to 24 ..	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed.	Feed continuously during the last 20 to 40 days on feed to provide 60 mg zilpaterol hydrochloride per head per day. Withdrawal period: 3 days. See paragraph (d) of this section.	000061

Zilpaterol hydrochloride in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(8) 6.8 to 24 ..	Monensin 10 to 40 ...	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; and for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*.	Feed continuously during the last 20 to 40 days on feed to provide 60 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraph § 558.355(d) of this chapter. Monensin as provided by No. 000986 in § 510.600(c) of this chapter.	000061
(9) 6.8 to 24 ..	Melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; and for suppression of estrus (heat).	Feed continuously during the last 20 to 40 days on feed to provide 60 mg zilpaterol hydrochloride per head per day. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraph § 558.342(d) of this part. Melengestrol acetate as provided by No. 054771 in § 510.600(c) of this chapter.	000061
(10) 6.8 to 24	Monensin 10 to 40, plus melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii;* and for suppression of estrus (heat).	Feed continuously during the last 20 to 40 days on feed to provide 60 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraphs §§ 558.342(d) and 558.355(d) of this chapter. Monensin as provided by No. 000986; melengestrol acetate as provided by No. 054771 in § 510.600(c) of this chapter.	000061
(11) 6.8 to 24	Monensin 10 to 40, plus tylosin 8 to 10.	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii;* and for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes*.	Feed continuously during the last 20 to 40 days on feed to provide 60 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraphs §§ 558.355(d) and 558.625(c) of this chapter. Monensin and tylosin as provided by No. 000986 in § 510.600(c) of this chapter.	000061
(12) 6.8 to 24	Monensin 10 to 40, plus tylosin 8 to 10, plus melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 20 to 40 days on feed; for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii;* for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes;* and for suppression of estrus (heat).	Feed continuously during the last 20 to 40 days on feed to provide 60 mg zilpaterol hydrochloride per head per day and 0.14 to 0.42 mg monensin per pound of body weight per day depending on the severity of the coccidiosis challenge, up to 480 mg/head/day monensin. Withdrawal period: 3 days. See paragraph (d) of this section. See paragraphs §§ 558.342(d), 558.355(d), and 558.625(c) of this chapter. Monensin and tylosin as provided by No. 000986; melengestrol acetate as provided by No. 054771 in § 510.600(c) of this chapter.	000061

Dated: August 31, 2015.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2015–21905 Filed 9–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–1024]

Olympia Harbor Days Tug Boat Races, Budd Inlet, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Special Local Regulation, Olympia Harbor Days Tug Boat Races, Budd Inlet, WA from 11:00 a.m. through 8:00 p.m. on September 6, 2015. This action is necessary to restrict vessel movement within the specified race area immediately prior to, during, and immediately after racing activity in order to ensure the safety of participants, spectators and the maritime public. Entry into, transit through, mooring or anchoring within the specified race area is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representatives.

DATES: The regulations in 33 CFR 100.1309 will be enforced from 11:00 a.m. through 8:00 p.m. on September 6, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Petty Officer Ryan Griffin, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–510–7888, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard is providing notice of enforcement of the Special Local Regulation for Olympia Harbor Days Tug Boat Races, Budd Inlet, WA in 33 CFR 100.1309 on September 6, 2015, from 11:00 a.m. to 8:00 p.m.

The following area is specified as a race area: All waters of Budd Inlet, WA the width of the navigation channel south of a line connecting the following points: 47°05.530′ N. 122°55.844′ W. and 47°05.528′ N. 122°55.680′ W. until reaching the northernmost end of the navigation channel at a line connecting the following points: 47°05.108′ N. 122°55.799′″ W. and 47°05.131′ N. 122°55.659′ W. then southeasterly until reaching the southernmost entrance of the navigation channel at a line connecting the following points: 47°03.946′ N. 122°54.577′ W., 47°04.004′ N. 122°54.471′ W.

Under the provisions of 33 CFR 100.1309, the regulated area shall be closed immediately prior to, during and immediately after the event to all persons and vessels not participating in the event and authorized by the event sponsor.

This document is issued under authority of 33 CFR 100.1309 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this document, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: August 25, 2015.

M.W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2015–22024 Filed 9–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0708]

Drawbridge Operation Regulation; Petaluma River, Petaluma, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Haystack Landing Drawbridge across the Petaluma River, mile 12.4, at Petaluma, CA. The deviation is necessary to allow the bridge owner to replace the bridge. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective without actual notice from September 4, 2015 to 6 p.m. on October 19, 2015. For the purposes of enforcement, actual notice will be used from 6 a.m. on August 31, 2015, until September 4, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0708], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Sonoma Marin Area Rail Transit has requested a temporary change to the operation of the Haystack Landing Drawbridge across the Petaluma River, mile 12.4, at Petaluma, CA. The drawbridge navigation span provides approximately 3 feet vertical clearance above Mean High Water in the closed-to-navigation position. In accordance with 33 CFR 117.187(a), the draw is maintained in the fully open position, except for the crossing of trains or for maintenance. Navigation on the waterway is commercial and recreational.

The drawspan will be periodically secured in the closed-to-navigation position, during daylight hours from 6 a.m. on August 31, 2015 to 6 p.m. on October 19, 2015, due to bridge replacement construction. During daylight hours, the bridge will be secured in the closed to navigation position for construction, and will require four hours advance notice for bridge openings for commercial vessels moving on the tide.

Scheduled 30-minute bridge openings will be provided at midday for the passage of accumulated, small vessels. The bridge will be secured in the open-to-navigation position nights and weekends, when no work is in progress. This temporary deviation has been coordinated with the waterway users.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies upon two hours advance notice. There is no alternative route available for vessel traffic. The Coast Guard will inform waterway users of this temporary deviation via our Local and Broadcast Notices to Mariners

to minimize resulting navigational impacts.

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

Dated: August 21, 2015.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2015–22025 Filed 9–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket Number USCG–2015–0837]

Drawbridge Operation Regulation; Illinois Waterway, Beardstown, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe Railroad Bridge across the Illinois Waterway, mile 88.8, at Beardstown, Illinois. The deviation is necessary to allow signal upgrades to be installed which can only be done when the bridge is in the closed-to-navigation position. The deviation allows the bridge to be in the closed-to-navigation position for 4 hours.

DATES: This deviation is effective from noon to 4 p.m., September 24, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0837] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone (314) 269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railway Company requested a temporary deviation for the Burlington Northern Santa Fe (BNSF) Railroad Bridge, mile 88.8, at Beardstown, Illinois across the Illinois Waterway. It has a vertical clearance of 19.6 feet above normal pool in the closed position. The BNSF Railroad Bridge currently operates in accordance with 33 CFR 117.393(a) which requires that the bridge be maintained in the open-to-navigation position; closing only when a train needs to transit the bridge.

The deviation period is from noon to 4 p.m., September 24, 2015, when the draw span will remain in the closed-to-navigation position. During this time signal upgrades will be installed. The draw span will not be returned to its fully open position until the upgrades are completed. Vessels will not be allowed to pass while the signal upgrade is in progress. The bridge can open in case of emergency.

Navigation at the site of the bridge consists mainly of commercial vessels. Based on known waterway users, as well as coordination with those waterway users, it has been determined that this closure will not have a significant effect on these vessels. No alternate routes are available.

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

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

Dated: August 31, 2015.

David M. Frank,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2015–21964 Filed 9–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0819]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0 at Sacramento, CA. The deviation is necessary to allow the community to participate in the Farm to Fork dinner event. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 1 p.m. to 10 p.m. on September 27, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0819], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times the draw shall open

on signal if at least four hours notice is given, as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 1 p.m. to 10 p.m. on September 27, 2015, to allow the community to participate in the Farm to Fork dinner event. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: August 19, 2015.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2015–22026 Filed 9–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0823]

RIN 1625–AA00

Safety Zone, Labor Day Long Neck Style Fireworks, Indian River Bay; Long Neck, DE

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Indian River Bay in Long Neck, DE. The safety zone will restrict vessel traffic on a portion of Indian River Bay from operating while a fireworks event is taking place. This temporary safety zone is necessary to protect the surrounding public and vessels from the hazards associated with a fireworks display.

DATES: This rule is effective from 8:00 p.m. to 10:00 p.m. on September 6, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0823]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email If you have questions on this temporary rule, call or email Lieutenant Brennan Dougherty, U.S. Coast Guard, Sector Delaware Bay, Chief Waterways Management Division, Coast Guard; telephone (215)271–4851, email *Brennan.P.Dougherty@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
COTP Captain of the Port

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule as publishing an NPRM is impracticable given that the final details for this event were not received by the Coast Guard until August 18, 2015, and this event is scheduled for September 6, 2015.

For similar reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of this safety zone is to protect mariners and spectators from the hazards associated with the fireworks display, such as accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

C. Discussion of the Final Rule

To mitigate the risks associated with the Labor Day Long Neck Style Fireworks Display, the Captain of the Port, Delaware Bay is establishing a temporary safety zone in the vicinity of the launch site. The safety zone will encompass all waters of Indian River Bay within a 230 Yard radius of the fireworks launch platform in approximate position 38°36′35.8″ N., 075°09′04.4″ W. in Long Neck, DE. The safety zone will be effective and enforced from 8:00 p.m. until 10:00 p.m. on September 6, 2015. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Delaware Bay, or his on-scene representative. The Captain of the Port, Delaware Bay, or his on-scene representative may be contacted via VHF channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this regulation will restrict access to the regulated area, the effect of this rule will not be significant because: the Coast Guard will make extensive notification of the Safety Zone to the maritime public via maritime advisories so mariners can alter their plans accordingly, vessels may still be permitted to transit through the safety

zone with the permission of the Captain of the Port on a case-by-case basis, and this rule will be enforced for only the duration of the fireworks display.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to anchor or transit along a portion of Indian River Bay in Long Neck, DE from 8:00 p.m. until 10:00 p.m. on September 6, 2015, unless cancelled earlier by the Captain of the Port once all operations are completed.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons stated under paragraph D.1., Regulatory Planning and Review.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR part 165, applicable to safety zones on the navigable waterways. This zone will temporarily restrict vessel traffic from transiting the Indian River Bay along the shoreline of Long Neck, Delaware, in order to protect the safety of life and property on the waters for the duration of the fireworks display. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0823 to read as follows:

§ 165.T05–0823 Safety Zone, Labor Day Long Neck Style Fireworks, Indian River Bay; Long Neck, DE.

(a) *Regulated area.* The following area is a safety zone: all waters of Indian River Bay within a 230 yard radius of the fireworks launch platform in approximate position 38°36′35.8″ N., 075°09′04.4″ W. in Long Neck, DE.

(b) *Regulations.* The general safety zone regulations found in subpart C of this part apply to the safety zone created by this section.

(1) All persons or vessels wishing to transit through the Safety Zone must request authorization to do so from the Captain of the Port or his designated representative one hour prior to the intended time of transit.

(2) Vessels granted permission to transit must do so in accordance with the directions provided by the Captain of the Port or his designated representative to the vessel.

(3) To seek permission to transit the Safety Zone, the Captain of the Port's representative can be contacted via marine radio VHF Channel 16.

(4) This section applies to all vessels wishing to transit through the safety zone except vessels that are engaged in the following operations:

(i) Enforcing laws;

(ii) Servicing aids to navigation; and

(iii) Emergency response vessels.

(5) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(6) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port.

(c) *Definitions.* (1) *Captain of the Port* means the Commander, Coast Guard Sector Delaware Bay, or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This safety zone will be effective from 8:00 p.m. until 10:00 p.m. on September 6, 2015, unless cancelled earlier by the Captain of the Port.

B.A. Cooper,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2015–21953 Filed 9–3–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0808; FRL–9932–50–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Infrastructure Requirements for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing a change to the Code of Federal Regulations (CFR) to reflect a 2014 EPA approval to a State Implementation Plan (SIP) revision to regulate greenhouse gases (GHGs) in Texas Prevention of Significant Deterioration (PSD) permitting program and to show that the SIP deficiency identified in a prior partial disapproval for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) has been addressed.

DATES: This rule is effective on November 3, 2015 without further notice, unless EPA receives relevant adverse comment by October 5, 2015. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2013–0808, by one of the following methods:

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

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2013–0808. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit electronically any information that you consider to be CBI or other information whose disclosure is restricted by statute. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. 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 and any form of encryption and should be free of any defects or viruses. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional information on submitting comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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

FOR FURTHER INFORMATION CONTACT: Carl Young, 214–665–6645, *young.carl@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Young.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

In an action on April 4, 2008, we partially approved and partially disapproved the portions of a Texas SIP submittal for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS pertaining to prevention of significant deterioration (PSD) permitting (76 FR 81371, December 28, 2011). Our partial disapproval was based on the fact that at the time the Texas SIP did not regulate greenhouse gases (GHGs) in the PSD permitting program. Afterwards Texas revised the SIP to regulate GHGs in their PSD permitting program. We approved this revision in 2014 (79 FR 66626, November 10, 2014). Now that Texas has a fully approved SIP for PSD permitting, the deficiency that led to our December 28, 2011 partial disapproval has been addressed. However, in our approval of the GHG program, we did not revise the CFR to reflect that the deficiency had been addressed. We are correcting that oversight in today's action.

II. Final Action

Using our authority under 110(k)(6) of the Act, we are finalizing a change to 40 CFR 52.2270(c) to reflect a 2014 EPA approval to a SIP revision to regulate GHGs in Texas' PSD permitting program and to show that the SIP deficiency identified in our prior partial disapproval for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS has been addressed.

EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on November 3, 2015 without further notice unless we receive relevant adverse comment by October 5, 2015. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant 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.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely revises the CFR to reflect a 2014 EPA approval to a SIP revision to regulate GHGs in Texas PSD permitting program and to show that the SIP deficiency identified in a prior partial disapproval for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) has been addressed. 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 CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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 November 3, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed 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, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: August 26, 2015.

Ron Curry,

Regional Administrator, Region 6.

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 SS—Texas

■ 2. The second table in § 52.2270(e) titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by revising the entry for ''Infrastructure and Interstate Transport for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS''.

The revision reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP

Name of SIP provision	Applicable geographic or non-attainment area	State approval/submittal date	EPA approval date	Comments
*	*	*	*	*
Infrastructure and Interstate Transport for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS.	Statewide	12/12/2007, 3/11/2008, 4/4/2008, 11/23/2009	12/28/2011, 76 FR 81371	Approval for CAA elements 110(a)(2)(A), (B), (E), (F), (G), (H), (K), (L), and (M). Full approval for CAA elements 110(a)(2)(C), (D)(i)(II), (D)(ii) and (J) with approval of the GHG PSD revision (11/10/2014, 79 FR 66626).
*	*	*	*	*

[FR Doc. 2015–22035 Filed 9–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0114; FRL–9931–18]

Oxathiapiprolin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of oxathiapiprolin in or on multiple commodities that are identified and discussed later in this document. E.I. du Pont de Nemours and Company (''Dupont'') requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 4, 2015. Objections and requests for hearings must be received on or before November 3, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0114, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0114 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 3, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding

any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0114, by one of the following methods:

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

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

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of May 23, 2014 (79 FR 29729) (FRL–9910–29), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8220) by Dupont, 1007 Market Street, Wilmington, DE 19898. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide oxathiapiprolin, 1-(4-{4-[(5RS)-5-(2,6-difluorophenyl)-4,5-dihydro-1,2-oxazol-3-yl]-1,3-thiazol-2-yl}-1-piperidyl)-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl] ethanone, in or on the following commodities: Brassica (cole) leafy vegetables, head and stem brassica crop subgroup 5A at 1.5 ppm; bulb vegetables, onion, bulb, crop subgroup 3–07A at 0.04 ppm; bulb vegetables, onion, green crop subgroup 3–07B at 2 ppm; cucurbit vegetables, crop group 9 at 0.2 ppm; fruiting vegetables crop group 8–10 at 0.2 ppm; grape (import tolerance) at 0.9 ppm; ginseng root at 0.4 ppm; leafy greens crop subgroup 4A at 15 ppm; peas, edible podded at 1 ppm; peas, succulent, shelled at 0.05 ppm; and vegetable, root and tuber vegetables, tuberous corm vegetable crop subgroup 1C at 0.01 ppm. One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Additionally, in the **Federal Register** of July 17, 2015 (80 FR 42462) (FRL–9923–13), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing a correction to the filing of a pesticide petition (PP 3F8220) by Dupont. This document corrects the petition announced in the May 23, 2014 **Federal Register** by adding the omitted entry for dried fruit vegetable at 0.9 ppm. No FFDCA-related comments were received on this notice of filing.

Based upon review of the data supporting the petition, EPA has revised the tolerance levels of some commodities and corrected several commodity definitions. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

In the toxicity studies for oxathiapiprolin, no treatment-related effects were seen at doses up to the limit dose. No treatment-related effects were seen in subchronic or chronic oral toxicity (rats, mice, or dogs), dermal toxicity, neurotoxicity, or immunotoxicity studies. Additionally, there was no evidence of carcinogenicity in cancer studies with rats or mice. No treatment-related effects were seen in maternal or fetal animals in rat or rabbit developmental toxicity studies. Treatment-related effects were observed in offspring animals in rat reproduction studies (decreased body weight and delayed preputial separation); however, the effects were only observed at doses above the limit dose (1,227 milligram/kilogram/day (mg/kg/day)). Such high doses are not relevant for human health risk. No other treatment-related effects were observed in oral or dermal studies with oxathiapiprolin. The lack of observed toxicity is consistent with the low to moderate oral absorption and lack of bioaccumulation reported in the rat metabolism studies. In acute lethality studies, exposure to oxathiapiprolin resulted in low toxicity via the oral, dermal, and inhalation routes of exposure. Oxathiapiprolin was not a dermal or eye irritant, or a skin sensitizer.

Specific information on the studies received and the nature of the adverse effects caused by oxathiapiprolin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''Oxathiapiprolin—New Active Ingredient Human Health Risk Assessment of Uses on Turf, Ornamentals, and a Number of Crops'' in docket ID number EPA–HQ–OPP–2014–0114.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the

dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

The majority of the toxicity studies for oxathiapiprolin did not demonstrate treatment-related effects, with the exception of the reproduction study. The effects in the reproduction study were minimal and seen at doses (above the limit dose) not relevant for human exposure. There were no adverse acute or chronic effects identified for any population groups (including infants and children). Therefore, due to the limited toxicity in the oxathiapiprolin toxicological database, toxicity endpoints and points of departure were not selected for oxathiapiprolin exposure scenarios and a quantitative risk assessment was not conducted.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to oxathiapiprolin, EPA considered exposure under the petitioned-for tolerances. There is likely to be dietary exposure to oxathiapiprolin from its use as a pesticide on food. Should exposure occur, however, minimal to no risk is expected for the general population, including infants and children, due to the low toxicity of oxathiapiprolin.

2. *Dietary exposure from drinking water.* Exposure to oxathiapiprolin via drinking water from the proposed uses is expected to be minimal due to rapid foliar uptake and limited quantities available in spray drift. No adverse effects were observed in the submitted toxicological studies for oxathiapiprolin regardless of the route of exposure.

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

Oxathiapiprolin is not proposed or registered for any specific use pattern that would result in residential handler exposure. However, some of the uses could involve commercial application in areas where residential post-application activities could occur (*i.e.,* individuals playing on treated golf courses, commercial landscapes or treated ornamentals purchased at a retail location). Since no adverse effects were observed for oxathiapiprolin in the submitted toxicological studies (regardless of the route of exposure), quantitative residential handler or post-application exposure assessments are not needed.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found oxathiapiprolin to share a common mechanism of toxicity with any other substances, and oxathiapiprolin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that oxathiapiprolin does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* No evidence of increased quantitative or qualitative susceptibility was seen in developmental toxicity studies in rats and rabbits. No treatment related effects were seen in maternal or fetal animals in the studies. However, there was evidence of increased quantitative susceptibility in reproduction studies in rats at doses above the limit dose. Decreased pup weight and delayed sexual maturation (preputial separation) were seen in the studies in the absence of maternal toxicity.

3. *Conclusion.* As part of its qualitative assessment, EPA evaluated the available toxicity and exposure data on oxathiapiprolin and considered its validity, completeness, and reliability, as well as the relationship of this information to human risk. EPA considers the toxicity database to be complete and has identified no residual uncertainty with regard to prenatal and postnatal toxicity or exposure. No hazard was identified based on the available studies; therefore, EPA concludes that there are no threshold effects of concern to infants, children, or adults from oxathiapiprolin. As a result, EPA concludes that no additional margin of exposure (safety) is necessary.

E. Aggregate Risks and Determination of Safety

Taking into account the available data for oxathiapiprolin, EPA has concluded that given the lack of toxicity of this substance, no risks of concern are expected. Therefore, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to oxathiapiprolin.

IV. Other Considerations

A. Analytical Enforcement Methodology

Method 30422 (Supplement No. 1) was developed for plant commodities, and Method 31138 was developed for livestock commodities. Residues of oxathiapiprolin and associated metabolites are extracted from crop or livestock commodity samples using a solution of formic acid, water and acetonitrile, and diluted with acetonitrile and water. Both methods use liquid chromotography with tandem mass spectrometry (LC/MS/MS), specifically reverse-phase liquid chromatography (LC), and detection by electrospray tandem mass spectrometry (MS/MS).

The FDA multi-residue methods are not suitable for detection and enforcement of oxathiapiprolin residues or associated metabolites. However, the European Multiresidue Method (DFG Method S19) and the QuEChERS Multiresidue Method have shown success in some matrices.

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

B. International Residue Limits

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

The Codex has not established a MRL for oxathiapiprolin.

C. Response to Comments

One comment was received in response to the notice of filing of Dupont's application. The commenter objected to the increase of chemical residues generally and expressed concerns about the carcinogenic effects of chemicals on humans, particularly children. The Agency understands the commenter's concerns regarding toxic chemicals, their potential effects on humans, and population subgroups such as children. Pursuant to its authority under the FFDCA, and as discussed further in this preamble, EPA conducted a comprehensive assessment of oxathiapiprolin, including its potential for carcinogenicity. Based on its assessment of the available data, the Agency has concluded that there is a reasonable certainty that no harm will result from aggregate exposure to residues of oxathiapiprolin.

D. Revisions to Petitioned-for Tolerances

For grape, green onion, cucurbit vegetables, and edible podded pea, EPA has added an additional significant figure (such as 1.0 ppm rather than 1 ppm) to conform to EPA's convention for establishing enforceable tolerances. Thus, the tolerance for grape was revised to 0.70, for green onion to 2.0, for cucurbit vegetables to 0.20, and for edible-podded pea to 1.0. This is in order to avoid the situation where rounding of a residue result to the level of precision of the tolerance expression would be considered non-violative (such as 1.4 ppm being rounded to 1 ppm).

In the case of crop group 8–10, Fruiting Vegetables, the petitioned-for-tolerance was based on the exclusion of a tomato field trial from the tolerance calculation. If this trial is excluded, all representative commodities (bell pepper, non-bell pepper, and tomato) support a crop group tolerance of 0.20 ppm. However, EPA has concluded that this trial cannot be excluded from the tolerance derivation because there were insufficient data to support this trial as an outlier. Including those data in the tolerance calculation for crop group 8–10, EPA is establishing a tolerance for crop group 8–10 at 0.50 ppm and a tolerance for dried tomatoes at 3.0 ppm. EPA is not issuing a crop group 8–10 tolerance for dried versions of all commodities in that crop group, as EPA's current regulations do not permit the Agency to establish crop group processed commodity tolerances. Moreover, the available data do not support establishing separate individual tolerances for dried versions of the other commodities in crop group 8–10.

In the case of ginseng, Dupont submitted four field trials at the good agricultural practice (GAP) proposed use rate and two field trials at approximately two times the GAP. Based on a review of the data and consultation with the global partners, EPA has concluded that using the 1× data is more appropriate for setting the tolerance, and is establishing a tolerance at 0.15 ppm based on that data.

The Agency also corrected the commodity definitions for the following commodities: Bulb vegetables, onion, bulb, crop subgroup 3–07A, to onion, bulb, subgroup 3–07A; bulb vegetables, onion, green crop subgroup 3–07B to onion, green, subgroup 3–07B; brassica (cole) leafy vegetables, head and stem brassica crop subgroup 5A to brassica, head and stem, subgroup 5A; cucurbit vegetables, crop group 9 to vegetable, cucurbit, group 9; fruiting vegetables crop group 8–10 to vegetable, fruiting, group 8–10; ginseng root to ginseng; leafy vegetables (except brassica vegetables), leafy greens crop subgroup 4A to leafy greens, subgroup 4A; peas, edible podded to pea, edible-podded; peas, succulent, shelled to pea, succulent shelled; and vegetable, root and tuber vegetables, tuberous corm vegetable crop subgroup 1C, to vegetable, tuberous and corm, subgroup 1C.

The registrant did not petition for rotational crop tolerances. However, EPA has concluded that for future MRL harmonization purposes, it is appropriate to set a value of 0.10 ppm for inadvertent residues in all other food commodities/feed commodities (other than those covered by a tolerance as a result of use on growing crops).

V. Conclusion

Therefore, tolerances are established for residues of oxathiapiprolin, 1-(4-{4-[(5RS)-5-(2,6-difluorophenyl)-4,5-dihydro-1,2-oxazol-3-yl]-1,3-thiazol-2-yl}-1-piperidyl)-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl] ethanone, in or on the following commodities: Brassica, head and stem, subgroup 5A at 1.5 ppm; ginseng at 0.15 ppm; grape at 0.70 ppm; leafy greens subgroup 4A at 15 ppm; onion, bulb, crop subgroup 3–07A at 0.04 ppm; onion, green, crop subgroup 3–07B at 2.0 ppm; peas, edible podded at 1.0 ppm; peas, succulent, shelled at 0.05 ppm; tomato, dried at 3.0 ppm; vegetable, cucurbit, crop group 9 at 0.20 ppm; vegetables, fruiting, crop group 8–10 at 0.50 ppm; and vegetable, tuberous and corm, crop subgroup 1C at 0.01 ppm.

In addition, inadvertent tolerances are established residues of oxathiapiprolin on all other food commodities/feed commodities (other than those covered by a tolerance as a result of use on growing crops) at 0.10 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under

Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 27, 2015.

Jack E. Housenger,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Add § 180.685 to subpart C to read as follows:

§ 180.685 Oxathiapiprolin; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the fungicide oxathiapiprolin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only oxathiapiprolin, 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone, in or on the commodity.

Commodity	Parts per million
Brassica, head and stem, subgroup 5A	1.5
Ginseng	0.15
Grape [1]	0.70
Leafy greens subgroup 4A	15
Onion, bulb, subgroup 3–07A	0.04
Onion, green, subgroup 3–07B	2.0
Pea, edible-podded	1.0
Pea, succulent shelled	0.05
Tomato, dried	3.0
Vegetable, cucurbit, group 9	0.20
Vegetable, fruiting, group 8–10	0.50
Vegetable, tuberous and corm, subgroup 1C	0.01
All other food commodities/feed commodities (other than those covered by a tolerance as a result of use on growing crops)	0.10

[1] There is no associated U.S. registration as of September 4, 2015.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* Tolerances are established for residues of the fungicide oxathiapiprolin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only oxathiapiprolin, 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone, in or on the commodity.

[FR Doc. 2015–21917 Filed 9–3–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XE126

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit for vermilion snapper in or from the exclusive economic zone (EEZ) of the South Atlantic to 500 lb (227 kg), gutted weight. This trip limit reduction is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, September 10, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *catherine.hayslip@noaa.gov.*

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

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two, 6-month periods. The commercial quota is 394,829 lb (179,091 kg), gutted weight,

438,260 lb (198,791 kg), round weight, for January 1 through June 30, 2015, and 394,829 lb (179,091 kg), gutted weight, 438,260 lb (198,791 kg), round weight, for July 1 through December 31, 2015, as specified in 50 CFR 622.190(a)(4)(i)(C) and (ii)(C), respectively. Any unused portion of the January 1 through June 30, 2015, fishing season commercial quota is added to the July 1 through December 31, 2015, fishing season commercial quota, as specified in 50 CFR 622.190(a)(4)(iii). In 2015, there was no unused commercial quota for the January through June period as the commercial sector reached its quota during the first 6-month period. The sector was closed on April 15, 2015, through June 30, 2015 (80 FR 19243, April 10, 2015).

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight, 1,110 lb (503 kg), round weight, to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, when 75 percent of the fishing season quota is reached or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as implemented by the final rule for Regulatory Amendment 18 to the FMP (78 FR 47574, August 6, 2013). Based on current data, NMFS has determined that 75 percent of the available vermilion snapper commercial quota for the July 1 through December 31, 2015, fishing season will be reached on or before September 10, 2015. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, in or from the South Atlantic EEZ at 12:01 a.m., local time, on September 10, 2015. This 500-lb (227-kg), gutted weight, 555-lb (252-kg), round weight, trip limit will remain in effect until the commercial sector reaches its quota and the sector closes, or through December 31, 2015, whichever occurs first.

Classification

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

This action is taken under 50 CFR 622.191(a)(6) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this commercial trip limit reduction constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary, because the rule establishing the trip limit reduction has already been subject to notice and comment, and all that remains is to notify the public of the trip limit. They are contrary to the public interest, because there is a need to immediately implement this action to protect the vermilion snapper resource since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment on this action would require time and would increase the probability that the commercial sector could exceed the quota.

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

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

Dated: September 1, 2015.

Jennifer M. Wallace,

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

[FR Doc. 2015–22047 Filed 9–1–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 172
Friday, September 4, 2015

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 101 and 116

[Docket No. APHIS–2014–0063]

RIN 0579–AE11

VSTA Records and Reports Specific to International Standards for Pharmacovigilance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal and reproposal.

SUMMARY: We are proposing to amend the Virus-Serum-Toxin Act regulations concerning records and reports. This change would require veterinary biologics licensees and permittees to record and submit reports concerning adverse events associated with the use of biological products they produce or distribute. The information that must be included in the adverse event reports submitted to the Animal and Plant Health Inspection Service would be provided in separate guidance documents. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document.

DATES: We will consider all comments that we receive on or before November 3, 2015.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0063*.
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2014–0063, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0063* or in our reading Room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Donna L. Malloy, Section Leader, Operational Support, Center for Veterinary Biologics Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 851–3426.

SUPPLEMENTARY INFORMATION:

Background

The Virus-Serum-Toxin Act regulations in 9 CFR part 116 (referred to below as the regulations) contain requirements for maintaining detailed records of information necessary to give a complete accounting of all the activities within a veterinary biologics establishment. These records include records and reports for unfavorable or unintended events that occur in animals after the use of a biological product.

Specifically, the regulations in § 116.1, paragraph (a) state that such reports must include, but are not limited to, the items enumerated in the regulations, including inventory and disposition records, (§ 116.2), information concerning product development and preparation and market suspension and recalls (§ 116.5), animal records (§ 116.6), and test records (§ 116.7).

In § 116.5, paragraph (b) states that if at any time there are indications that raise questions regarding the purity, safety, potency, or efficacy of a product, or if it appears that there may be a problem regarding the preparation, testing, or distribution of a product, the licensee, permittee, or foreign manufacturer must immediately notify the Animal and Plant Health Inspection Service (APHIS) concerning the circumstances and the action taken, if any.

However, the regulations in § 116.1 do not explicitly require licensees and permittees to maintain records of adverse events associated with the use of veterinary biologics, nor do the regulations in § 116.5 provide specific guidance in determining whether an adverse event should be considered an indication that raises questions regarding the purity, safety, potency, efficacy, preparation, testing, or distribution (PSPEPTD) of such product. Consequently, each veterinary biologics manufacturer makes an independent determination concerning (1) whether an adverse event report raises PSPEPTD questions and (2) when and in what manner such report of the adverse event will be provided to APHIS.

To limit the harm to animals posed by unsatisfactory veterinary biologics, APHIS must rely on adverse event reports provided by veterinary biologics licensees and permittees. However, without any explicit guidance as to the form those reports should take, licensees and permittees are using nonstandardized methods to record and submit reports regarding adverse events to APHIS. Similarly, without explicit reporting requirements concerning adverse events, reports that may signal problems concerning the use of veterinary biological products are not all being submitted to APHIS in a timely manner.

The changes we are proposing are also consistent with guidelines set out by the International Cooperation on Harmonization of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). VICH is a unique project conducted under the World Organization for Animal Health, that brings together the regulatory authorities of the European Union, Japan, and the United States and representatives from the animal health industry in the three regions. Regulatory authorities and industry experts from Australia, Canada, and New Zealand participate as observers.

The purpose of VICH is to harmonize technical requirements for veterinary medicinal products (both pharmaceuticals and biologics). As a VICH member, APHIS provides expertise on veterinary biological products and participates in efforts to enhance harmonization. Both APHIS and the animal health industry are committed to seek scientifically based harmonized technical requirements for the development and use of veterinary biological products. VICH Guideline GL42 specifically addresses data

elements for submission of adverse event reports.[1]

By amending our regulations based on VICH pharmacovigilance guidelines we would be integrating into our regulations internationally accepted practices that would enhance the safety and efficacy of veterinary biologics in the United States. Furthermore, our consistency with these international guidelines would enhance the ability of the U.S. biologics industry to export their products.

We have previously undertaken rulemaking to address the problems described above and to bring our reporting and recordkeeping requirements into closer alignment with the VICH guidelines. Specifically, on August 17, 2005, we published in the **Federal Register** (70 FR 48325–48329, Docket No. 00–071–2) a proposed rule [2] to amend the regulations concerning records and reports to require veterinary biologics licensees and permittees to record and submit reports to APHIS concerning adverse events associated with the use of veterinary biological products that they produce or distribute. The proposed rule would have required veterinary biologics licensees and permittees to report to APHIS the number of doses of each licensed product that they distribute. The proposed rule also would have amended the regulations in 9 CFR part 101 to provide definitions for the terms *adverse event* and *adverse event report.*

We solicited comments on our proposal for 60 days ending on October 17, 2005. We received seven comments by that date. The comments were from industry associations, manufacturers of veterinary biologics, and a software company that specializes in pharmacovigilance. Four of these commenters expressed conceptual support for the proposed rule, but were concerned that parts of the proposed regulations were overly broad or ambiguous and would increase the regulatory burden on the industry and possibly compromise confidential business information. One commenter was skeptical of the need for the rule. The remaining commenters neither supported nor opposed the rule but instead either asked for clarification or suggested wording that they believed would provide greater clarity.

In response to these comments, we believe it is necessary to clarify those provisions that could be subject to multiple interpretations and to provide more specifics concerning the information that should be included in adverse event reports associated with the use of veterinary biologics that are submitted to the Agency. Therefore, we are withdrawing the August 17, 2005, proposed rule and are replacing it with the proposed changes described in this document. The proposed recordkeeping and reporting requirements regarding adverse events that would apply to each licensee, permittee, and foreign establishment that prepares and distributes biological products are described below.

[1] The VICH pharmacovigilance guidelines can be accessed at *http://www.vichsec.org/guidelines/pharmacovigilance.html.*

[2] To view the proposed rule and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2005-0071.*

Definitions

The regulations in 9 CFR part 101 contain definitions of terms used in the regulations concerning veterinary biologics. The proposed changes to part 116 of the regulations would make it necessary for us to add definitions for two terms used in the proposed regulations to § 101.2. We would define *adverse event* as ''any observation in animals, whether or not the cause of the event is known, that is unfavorable and unintended, and that occurs after any use (as indicated on the label or any off-label use) of a biological product, including events related to a suspected lack of expected efficacy. For products intended to diagnose disease, adverse events refer to a failure in product performance that hinders an expected discovery of the correct diagnosis.'' We would define *adverse event report* as ''any communication concerning the occurrence of an adverse event from an identifiable first-hand reporter which includes at least the following information: An identifiable reporter; an identifiable animal; an identifiable biologic product; and one or more adverse events.''

Adverse Event Records

We are proposing to add a new § 116.9 to provide requirements for adverse event records and reports. First, we would require that licensees and permittees maintain a detailed record for every adverse event report the licensee or permittee receives that is associated with the use of biological products they produce or distribute. APHIS will provide guidance on the information to be included in the reports on our Web site, based on the recommendations in the VICH Guideline GL42, which addresses data elements for submission of adverse event reports. We will release guidance documents as a final rule is being implemented, and we will make the documents available on our Web site in draft form for public comment.

Second, we would require that licensees and permittees compile a report of all adverse events reports they receive and submit that report to the APHIS at regular intervals. Specifically, we would require that these reports be submitted immediately if at any time there are indications that raise questions regarding the purity, safety, potency, or efficacy of a product, or if it appears that there may be a problem regarding the preparation, testing, or distribution of a product. If the licensee or permittee determines the adverse event report to be product-related, serious, and unexpected, the report would have to be submitted to APHIS within 15 business days of the date the report was first received. All other adverse event reports would have to be submitted within 90 calendar days of the date the report was first received.

Completion of Records

The regulations in §§ 116.1(a)(3) and 116.8 provide that all records (other than disposition records) required under part 116 shall be completed by the licensee, permittee, or foreign manufacturer before any portion of a serial of any product may be marketed in the United States or exported. We are proposing to amend those provisions to also allow adverse event records to be excluded from the list of records that must be completed before a product may be marketed or exported. Like disposition records, adverse event records could not be expected to have been completed prior to the marketing or exportation of a product.

If this proposed rule is adopted as a final rule, there would be an 18-month implementation period to allow licensees and permittees sufficient time to bring their recordkeeping and reporting into compliance with the new reporting and recordkeeping requirements.

Miscellaneous

We would also make several minor, nonsubstantive changes to the regulations to improve their clarity.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. The full analysis may be viewed on the Regulations.gov Web site

(see **ADDRESSES** above for instructions for accessing Regulations.gov) or obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The proposed rule would affect all of the approximately 314 U.S. veterinary biologics manufacturers, including permittees. All the affected entities would have to take at least some additional action—even if that additional action involved sending a negative affirmation report to APHIS annually.

The Small Business Administration (SBA) standard for establishments primarily engaged in manufacturing vaccines, toxoids, blood fractions, and culture media of plant or animal origin (NAICS 325414) is 500 employees or fewer. It is reasonable to assume that most are small in size, under the SBA standards. This assumption is based on composite data for providers of the same and similar services in the United States. In 2012, there were 314 U.S. establishments in NAICS 325414 [3] with a total employment of 40,411. The average number of employees per firm in 2012 was 128. Similarly, in 2012, there were 235 U.S. establishments in NAICS 325413, a classification comprised of establishments primarily engaged in manufacturing in-vitro diagnostic substances, including biological substances. The average number of employees per firm in 2012 was 108.[4]

The proposed rule has the potential to benefit animals and their owners, to the extent that it allows APHIS to act quickly to limit the harm to animals posed by unsatisfactory veterinary biologics. For animal owners, the monetary benefits are difficult to estimate, because they would depend on several factors that are currently unknown—the significance, or gravity, of the harm that would be avoided with the rule in effect, and the number, and value, of animals that would avoid harm with the rule in effect. For some animal owners, especially those with large numbers of high value animals, the potential monetary benefits could be significant. This proposed rule clarifies reporting requirements. Manufacturer costs to comply with the proposed rule are expected be minimal in most cases. By revising our regulations based on VICH pharmacovigilance guidelines we will be applying an international standard to the industry which will enhance the safety and efficacy of veterinary biologics in the United States. Furthermore, our compliance with this international standard will enhance the ability of the biologics industry to export their products.

[3] *http://thedataweb.rm.census.gov/TheDataWeb_HotReport2/econsnapshot/2012/snapshot.hrml?NAICS=325414.*

[4] *http://thedataweb.rm.census.gov/TheDataWeb_HotReport2/econsnapshot/2012/snapshot.hrml?NAICS=325413.*

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies where they are necessary to address local disease conditions or eradication programs. However, where safety, efficacy, purity, and potency of biological products are concerned, it is the Agency's intent to occupy the field. This includes, but is not limited to, the regulation of labeling. Under the Act, Congress clearly intended that there be national uniformity in the regulation of these products. There are no administrative proceedings which must be exhausted prior to a judicial challenge to the regulations under this rule.

Executive Order 13175

This rule does not significantly or uniquely affect the communities of Indian tribal governments. The rule does not impose any mandate on tribal governments or impose any duties on these entities. Thus, no further action is required under Executive Order 13175.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2014–0063. Please send a copy of your comments to: (1) APHIS, using one of the methods described under **ADDRESSES** at the beginning of this document, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

This proposed rule would require veterinary biologics licensees and permittees to record and submit reports to APHIS concerning adverse events associated with the use of biological products they produce or distribute. APHIS would provide guidance as to the information to be included in these reports. The reports would also be required to be maintained for a specified amount of time.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.33 hours per response.

Respondents: U.S. importers and exporters of veterinary biological products, shippers of veterinary biological products, State veterinary authorities, and operators of establishments that produce or test veterinary biological products or that engage in product research and development.

Estimated annual number of respondents: 9,999.

Estimated annual number of responses per respondent: 1.59.

Estimated annual number of responses: 15,996.

Estimated total annual burden on respondents: 5,280 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to

compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

Lists of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 116

Animal biologics, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR parts 101 and 116 as follows:

PART 101—DEFINITIONS

■ 1. The authority citation for part 101 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 101.2 is amended by adding definitions for *adverse event* and *adverse event report* in alphabetical order to read as follows:

§ 101.2 Administrative terminology.

* * * * *

Adverse event. Any observation in animals, whether or not the cause of the event is known, that is unfavorable and unintended, and that occurs after any use (as indicated on the label or any off-label use) of a biological product, including events related to a suspected lack of expected efficacy. For products intended to diagnose disease, adverse events refer to a failure in product performance that hinders an expected discovery of the correct diagnosis.

Adverse event report. Any communication concerning the occurrence of an adverse event from an identifiable first-hand reporter which includes the following information:

(1) An identifiable reporter;

(2) An identifiable animal;

(3) An identifiable biologic product; and

(4) One or more adverse events.

* * * * *

PART 116—RECORDS AND REPORTS

■ 3. The authority citation for part 116 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

■ 4. In § 116.1, paragraph (a)(3) is revised to read as follows:

§ 116.1 Applicability and general considerations.

(a) * * *

(3) Records (other than disposition records and adverse event records) required by this part must be completed by the licensee, permittee, or foreign manufacturer, as the case may be, before any portion of a serial of any product may be marketed in the United States or exported.

* * * * *

■ 5. Section 116.8 is revised to read as follows:

§ 116.8 Completion and retention of records.

All records (other than disposition records and adverse event records) required by this part must be completed by the licensee, permittee, or foreign manufacturer before any portion of a serial of any product may be marketed in the United States or exported. All records must be retained at the licensed or foreign establishment or permittee's place of business for a period of 2 years after the expiration date of a product or longer as may be required by the Administrator.

■ 6. Section 116.9 is added to read as follows:

§ 116.9 Recording and reporting adverse events.

(a) Licensees and permittees must maintain a detailed record for every adverse event report the licensee or permittee receives for any biological product it produces or distributes. These records shall be maintained for a period of 3 years after the date the adverse event report is received. The adverse event report form and guidance on how to complete it, including guidance specific to the various information blocks on the form, is available on the APHIS Web site at [ADDRESS TO BE ADDED IN FINAL RULE] or by writing to APHIS at [POSTAL ADDRESS TO BE ADDED IN FINAL RULE].

(b) A report of all adverse events reports received by a licensee or permittee must be compiled and submitted to the Animal and Plant Health Inspection Service. The frequency of report submission is as follows:

(1) Immediate notification is required if at any time there are indications that raise questions regarding the purity, safety, potency, or efficacy of a product, or if it appears that there may be a problem regarding the preparation, testing, or distribution of a product.

(2) Adverse event reports determined by the licensee or permittee to be product-related, serious, and unexpected must be reported within 15 business days of the date the report was first received.

(3) All other adverse event reports must be reported within 90 calendar days of the date the report was first received.

Done in Washington, DC, this 31st day of August 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–21997 Filed 9–3–15; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC–2015–0179]

RIN 3150–AJ64

Cyber Security at Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory basis; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on a draft regulatory basis to support a rulemaking that would amend its regulations by adopting new cyber security requirements for certain nuclear fuel cycle facility (FCF) licensees in order to address safety and security consequences of concern. Potentially affected licensees include certain FCFs authorized to possess Category I, II, or III quantities of special nuclear material and uranium hexafluoride conversion and deconversion facilities.

DATES: Submit comments by October 5, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to ensure consideration of 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–2015–0179. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Rulemaking.Comments@nrc.gov.* If you

do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Matthew Bartlett, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7154, email: *Matthew.Bartlett@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0179 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0179.

• *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 draft regulatory basis document is available in ADAMS under Accession No. ML15198A021.

• *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–2015–0179 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

If your comment contains proprietary or sensitive information, please contact the individual listed in the **FOR INFORMATION CONTACT** section of this document to determine the most appropriate method for submitting your comment.

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, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC is requesting comments on a draft regulatory basis to support a rulemaking that would amend part 73 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Physical Protection of Plants and Materials,'' by adopting new cyber security regulations for FCF licensees. The specific objectives of this rulemaking effort are to establish new requirements for FCF licensees that: (1) Require licensees authorized to possess a Category I quantity of special nuclear material (SNM) to establish and maintain a cyber security program that provides high assurance that digital computer systems, communication systems, and networks associated with safety, security, emergency preparedness, and material control and accounting (SSEPMCA) functions are protected from cyber attacks up to and including the design basis threats defined in 10 CFR 73.1; (2) require certain licensees authorized to possess source material or a Category II or III quantity of SNM to establish and maintain a cyber security program that provides reasonable assurance that digital computer systems, communication systems, and networks associated with SSEPMCA functions are protected from cyber attacks; (3) codify existing cyber security requirements imposed on FCF licensees by security orders issued following the terrorist attacks of September 11, 2001, and applicable subsequent voluntary actions instituted by FCF licensees; (4) implement a graded, performance-based regulatory framework to prevent cyber attacks that could result in certain consequences of concern; and (5) implement cyber security reporting criteria.

The scope of the draft regulatory basis includes cyber security for FCFs licensed under 10 CFR part 70 and uranium hexafluoride conversion and deconversion facilities licensed under 10 CFR part 40. These licensees have varying safety and security consequences of concern based on their functions and the type and quantity of material possessed. To account for these differences, the NRC plans to develop a graded, consequence-based approach for the identification and protection of digital assets associated with SSEPMCA functions. The draft regulatory basis, in part, explains why the NRC believes the existing regulations should be updated, revised, and enhanced; presents alternatives to rulemaking; and discusses costs and other impacts of the potential changes.

III. Specific Requests for Comments

The NRC requests that stakeholders consider answering the following questions when commenting on the draft regulatory basis:

• Is the NRC considering an appropriate approach for each objective described in the draft regulatory basis?

• Chapter 3 of the draft regulatory basis discusses the regulatory concerns the NRC expects to address through rulemaking. Chapter 4 presents the intended regulatory changes to address those regulatory concerns, and Chapter 5 discusses alternatives to rulemaking considered by the NRC staff. Are there other regulatory concerns within or related to the scope of the rulemaking efforts (see Chapter 1 of the draft regulatory basis) that the NRC should consider? Are there other approaches or alternatives the NRC should consider to resolve those regulatory concerns?

• Chapter 8 of the draft regulatory basis presents the NRC staff's initial consideration of costs and other impacts for a number of key aspects of the potential regulatory changes (*i.e.,* cyber security programs, cyber incident reporting). This initial assessment is based on limited available data. The staff is seeking additional data and input relative to expected and/or unintentional impacts from the desired regulatory changes. What would be the

potential impacts to stakeholders/licensees from implementing any of the desired regulatory changes described in this draft regulatory basis (*e.g.,* what would be a reasonable cost estimate for implementation of the cyber security programs, including startup and annual costs)?

• The NRC staff is aware of licensee voluntary efforts to address cyber security. Is there additional information related to these efforts that would inform the NRC staff's assessment or analysis?

IV. Cumulative Effects of Regulation

The Cumulative Effects of Regulation (CER) describes the challenges that licensees or other impacted entities (such as State agency partners) may face while implementing new regulatory positions, programs, and requirements (*e.g.,* rules, generic letters, backfits, inspections). The CER is an organizational effectiveness challenge that results from a licensee or impacted entity implementing a number of complex positions, programs, or requirements within a limited implementation period and with available resources (which may include limited available expertise to address a specific issue). The NRC has implemented CER enhancements to the rulemaking process to facilitate public involvement throughout the rulemaking process. Therefore, the NRC is specifically requesting comment on the cumulative effects that may result from this proposed rulemaking. In developing comments on the draft regulatory basis, consider the following questions:

(1) In light of any current or projected CER challenges, what should be a reasonable effective date, compliance date, or submittal date(s) from the time the final rule is published to the actual implementation of any new proposed requirements, including changes to programs, procedures, or the facility?

(2) If current or projected CER challenges exist, what should be done to address this situation (*e.g.,* if more time is required to implement the new requirements, what period of time would be sufficient, and why such a time frame is necessary)?

(3) Do other regulatory actions (*e.g.,* orders, generic communications, license amendment requests, and inspection findings of a generic nature) by NRC or other agencies influence the implementation of the potential proposed requirements?

(4) Are there unintended consequences? Does the potential proposed action create conditions that would be contrary to the potential proposed action's purpose and objectives? If so, what are the consequences and how should they be addressed?

Please provide information on the costs and benefits of the potential proposed action. This information will be used to support any regulatory analysis by the NRC.

V. Availability of Documents

The NRC may post additional materials related to this rulemaking activity to the Federal rulemaking Web site at *www.regulations.gov* under Docket ID NRC–2015–0179. By making these documents publicly available, the NRC seeks to inform stakeholders of the current status of the NRC's rulemaking development activities and to provide preparatory material for future public meetings.

The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2015–0179); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

VI. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published in the **Federal Register** on June 10, 1998 (63 FR 31883). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

Dated at Rockville, Maryland, this 27th day of August, 2015.

For the Nuclear Regulatory Commission.

Marissa G. Bailey,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 2015–22051 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3073; Directorate Identifier 2015–CE–017–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; correction.

SUMMARY: The FAA is correcting a notice of proposed rulemaking (NPRM) that published in the **Federal Register**. That NPRM applies to Viking Air Limited Model DHC–3 airplanes. The repetitive inspection column in ''Table 1 of Paragraph (f)(3) of This AD—Inspection Schedule'' contains data that is intended to apply to all conditions. However, the way the table is displayed makes it look as if it only applies to the first condition. This document corrects it to assure that it applies to all conditions. In all other respects, the original document remains the same.

DATES: The last date for submitting comments to the NPRM (80 FR 44892, July 28, 2015) remains September 11, 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 Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; Fax: 250–656–0673; telephone: (North America) 1–800–663–8444; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3073.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.

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–2015–3073; 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: Aziz Ahmed, Aerospace Safety Engineer, FAA, New York Aircraft Certification Office (ACO), 1600 Steward Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.*

SUPPLEMENTARY INFORMATION: On July 28, 2015, a notice of proposed rulemaking (NPRM) (80 FR 44892) was published in the **Federal Register** to apply to Viking Air Limited Model DHC–3 airplanes. That NPRM proposed to require installing additional wing inspection access panels and inspecting the wings using borescope and visual methods with corrective action as necessary.

As published, the repetitive inspection column in ''Table 1 of Paragraph (f)(3) of This AD—Inspection Schedule'' contains data that when displayed makes it look as if the repetitive inspections only apply to the first condition, whereas when printed shows that it applies to all conditions. To correct this, we are including the data in each condition.

Although no other part of the preamble or regulatory information has been corrected, we are publishing the entire NPRM (80 FR 44892, July 28, 2015) in the **Federal Register**.

The last date for submitting comments to the NPRM (80 FR 44892, July 28, 2015) remains September 11, 2015.

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

Viking Air Limited: Docket No. FAA–2015–3073; Directorate Identifier 2015–CE–017–AD.

(a) Comments Due Date

We must receive comments by September 11, 2015. The date as originally published in the NPRM (80 FR 44892, July 28, 2015).

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited DHC–3 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as reports of corrugation cracking found at various wing stations and on the main spar lower cap. We are issuing this proposed AD to detect cracking and correct as necessary to address the unsafe condition on these products.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(5) of this AD:

(1) Within 30 days after the effective date of this AD, determine the accumulated air time for each wing by contacting Technical Support at Viking Air Limited. You can find contact information for Viking Air Limited in paragraph (h) of this AD.

(2) Within 30 days after the effective date of this AD, determine all installed supplemental type certificates (STC) or modifications affecting the wings. Based on the accumulated air time determined from paragraph (f)(1) of this AD and before the initial inspection required in paragraph (f)(3) of this AD, install access panels as follows:

(i) If the airplane is free of STCs or any other modifications affecting the wings, install additional inspection access panels following the Accomplishment Instructions Part A of Viking DHC–3 Otter Service Bulletin No. V3/0002, Revision ''C'', dated April 30, 2014.

(ii) If the airplane is fitted with STC SA2009NY (which can be found on the Internet at: *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/F7309B7D9B008C588625734F00730144?OpenDocument&Highlight=sa02009ny*), incorporate additional inspection access panels following the Accomplishment Instructions of Viking Air Limited SB 3–STC (03–50)-001, Revision ''NC'', dated April 30, 2014.

Note 1 to paragraph (f)(2)(ii) of this AD: STC SA03–50 would be the Canadian equivalent of the United States STC 2A2009NY.

(iii) If there are other STCs or modifications affecting the wings the operator must contact the FAA to request an FAA-approved alternative method of compliance using the procedures in paragraph (g)(1) of this AD and 14 CFR 39.19. To develop these procedures, we recommend you contact the STC holder for guidance in developing substantiating data.

(3) Based on the accumulated air time on the wings determined in paragraph (f)(1) of this AD, perform initial and repetitive borescope and visual inspections of both the left-hand and right-hand wing box following Part B of the Accomplishment Instructions of Viking DHC–3 Otter Service Bulletin V3/0002, Revision ''C'', dated April 30, 2014, using the inspection schedules specified in Table 1 of paragraph (f)(3) of this AD:

TABLE 1 OF PARAGRAPH (F)(3) OF THIS AD—INSPECTION SCHEDULE

Effectivity	Initial inspection	Repetitive inspection
If Viking Air Limited SB V3/0002, Revision ''A'', dated February 22, 2013; or Viking Air Limited SB V3/0002, Revision ''B'', dated July 3, 2013; were complied with prior to the effective date of this AD.	The initial inspection is not required since the inspection was accomplished while complying with Revision ''A'' or ''B'' of Viking Air Limited SB V3/0002.	Repetitively inspect not to exceed every 1,600 wing air time hours accumulated after the last inspection or 2,100 flight cycles after the last inspection, whichever occurs first.
If, as of the effective date of this AD, the airplane has less than 31,200 wing air time hours.	Inspect within 800 wing air time hours after the effective date of this AD, or within 6 months after the effective date of this AD, whichever occurs first.	Repetitively inspect not to exceed every 1,600 wing air time hours accumulated after the last inspection or 2,100 flight cycles after the last inspection, whichever occurs first.
If, as of the effective date of this AD, the airplane has 31,200 hours wing air time or more but less than 31,600 hours wing air time hours.	Inspect upon or before accumulating 32,000 wing air time hours or within 6 months after the effective date of this AD, whichever occurs first.	Repetitively inspect not to exceed every 1,600 wing air time hours accumulated after the last inspection or 2,100 flight cycles after the last inspection, whichever occurs first.

TABLE 1 OF PARAGRAPH (F)(3) OF THIS AD—INSPECTION SCHEDULE—Continued

Effectivity	Initial inspection	Repetitive inspection
If, as of the effective date of this AD, the airplane has 31,600 wing air time hours or more.	Inspect within 400 wing air time hours accumulated after the effective date of this AD or 3 months after the effective date of this AD, whichever occurs first.	Repetitively inspect not to exceed every 1,600 wing air time hours accumulated after the last inspection or 2,100 flight cycles after the last inspection, whichever occurs first.

(4) If the total flight cycles have not been kept, multiply the total number of airplane hours time-in-service (TIS) by 2 to calculate the cycles. For the purpose of this AD, some examples are below:

(i) .5 hour TIS × 2 = 1 cycle; and

(ii) 200 hours TIS × 2 = 400 cycles.

(5) If any cracks are found, contact Technical Support at Viking Air Limited for an FAA-approved repair and incorporate the repair before further flight. You can find contact information for Viking Air Limited in paragraph (i) of this AD. The FAA-approved repair must specifically reference this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Aziz Ahmed, Aerospace Safety Engineer, FAA, New York Aircraft Certification Office (ACO), 1600 Steward Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI Transport Canada AD No. CF–2015–05, dated March 18, 2015. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3073. For service information related to this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; Fax: 250–656–0673; telephone: (North America) 1–800–663–8444; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* 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.

Issued in Kansas City, Missouri, on August 28, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–21934 Filed 9–3–15; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 312

RIN 3084–AB20

Children's Online Privacy Protection Rule Proposed Parental Consent Method; Jest8 Limited Trading as Riyo's Application for Approval of Parental Consent Method; Extension of Comment Period

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Extension of comment period.

SUMMARY: The Federal Trade Commission is extending the comment period concerning the proposed parental consent method submitted by Jest8 Limited, trading as Riyo (''Riyo''), under the Voluntary Commission Approval Processes provision of the Children's Online Privacy Protection Rule.

DATES: Written comments on the request for public comment published August 7, 2015 (80 FR 47429) must be received on or before September 14, 2015.

ADDRESSES: Interested parties may file a comment at *http://ftcpublic.commentworks.com/ftc/riyocoppaconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Jest8 Limited Trading as Riyo's Application for Parental Consent Method, Project No. P–155405'' on your comment, and file your comment online at *http://ftcpublic.commentworks.com/ftc/riyocoppaconsent* by following the instructions on the Web-based form. If you prefer to file your comment on paper, write ''Jest8 Limited Trading as Riyo's Application for Parental Consent Method, Project No. P–155405'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Miry Kim, Attorney, (202) 326–3622, Division of Privacy and Identity Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On October 20, 1999, the Commission issued its final Rule [1] pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. 6501 *et seq.,* which became effective on April 21, 2000.[2] On December 19, 2012, the Commission amended the Rule, and these amendments became effective on July 1, 2013.[3] The Rule requires certain Web site operators to post privacy policies and provide notice, and to obtain verifiable parental consent, prior to collecting, using, or disclosing personal information from children under the age of 13. The Rule enumerates methods for obtaining verifiable parental consent, while also allowing an interested party to file a written request for Commission

[1] 64 FR 59888 (November 3, 1999).

[2] 16 CFR part 312.

[3] 78 FR 3972 (January 17, 2013).

approval of parental consent methods not currently enumerated.[4] To be considered, the party must submit a detailed description of the proposed parental consent method, together with an analysis of how the method meets the requirements for parental consent described in 16 CFR 312.5(b)(1).

Pursuant to Section 312.12(a) of the Rule, Riyo has submitted a proposed parental consent method to the Commission for approval. The full text of its application is available on the Commission's Web site at *www.ftc.gov.*

On July 31, 2015, the Commission issued a Federal Register document seeking comments on Riyo's proposed parental consent method. The comment period was scheduled to end on September 3, 2015. One group that frequently comments on issues relating to the Rule, the Center for Digital Democracy, requested a short extension for the filing of comments. Such an extension would not affect the deadline applicable to the Commission's determination whether to grant or deny the application. The Commission agrees that extending the comment period to allow interested parties adequate time to address issues raised by the proposed consent method will facilitate a more complete record. Accordingly, the Commission has decided to extend the public comment period eleven days, until September 14, 2015.

Section B. Invitation To Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 14, 2015. Write ''Jest8 Limited Trading as Riyo's Application for Parental Consent Method, Project No. P–155405'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, likes anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, including medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[5] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *http://ftcpublic.commentworks.com/ftc/riyocoppaconsent,* by following the instructions on the Web-based form. If this document appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Jest8 Limited Trading as Riyo's Application for Parental Consent Method, Project No. P–155405'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street, SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 14, 2015. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–21979 Filed 9–3–15; 8:45 am]

BILLING CODE 6750–01–P

[4] 16 CFR 312.12(a); 78 FR 3991 (January 17, 2013).

[5] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 205

RIN 0412–AA75

Amendment to ''Participation by Religious Organizations in USAID Programs'' To Implement Executive Order 13559

AGENCY: U.S Agency for International Development.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The U.S. Agency for International Development (USAID) is extending the public comment period on the Notice of proposed rulemaking entitled ''Amendment to 'Participation by Religious Organizations in USAID Programs' to Implement Executive Order 13559,'' which was published in the **Federal Register** on August 6, 2015. The original public comment period would have ended on September 8, 2015. USAID intended to give a 60-day public comment period. Therefore, a comment period extension, to October 5, 2015, is appropriate.

DATES: The comment period for the notice of proposed rulemaking published in the **Federal Register** on August 6, 2015 (80 FR 47237), is extended. Written comments must be received by the extended due date of October 5, 2015. USAID may not fully consider comments received after this date.

ADDRESSES: Address all comments concerning this notice to C. Eduardo Vargas, Center for Faith-Based & Community Initiatives (A/AID/CFBCI), U.S Agency for International Development, Room 6.07–100 RRB, 1300 Pennsylvania Avenue NW.,

Washington, DC 20523. Submit comments, identified by title of the action and Regulatory Information Number (RIN) by any of the following methods:

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

Email: Submit electronic comments to *FBCI@usaid.gov.* See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing.

Mail: USAID, Center for Faith-Based & Community Initiatives (A/AID/CFBCI), Room 6.07–100, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

A copy of each communication submitted will be available for inspection and copying between 8:30 a.m. and 5:30 p.m. at the above address.

FOR FURTHER INFORMATION CONTACT: Mark Brinkmoeller, Director, Center for Faith-Based and Community Initiatives, USAID, Room 6.07–023, 1300 Pennsylvania Avenue NW., Washington, DC 20523; *telephone:* (202) 712–4080 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: USAID published a notice of proposed rulemaking entitled ''Amendment to 'Participation by Religious Organizations in USAID Programs' to Implement Executive Order 13559,'' which was published in the **Federal Register** on August 6, 2015 (80 FR 47237). This proposed rule is intended to amend 22 CFR part 205, Participation by Religious Organizations in USAID Programs, to make it consistent with Executive Order 13559. This proposed rule would amend USAID's regulations to replace the term ''inherently religious activities'' with the term ''explicitly religious activities'' and define the latter term as ''including activities that involve overt religious content such as worship, religious instruction, or proselytization.'' This proposed rule would also clarify that organizations who receive USAID financial assistance through subawards must comply with the requirements relating to protections for beneficiaries and the restrictions on prohibited uses of federal financial assistance. This proposed rule would also add language to the sections of the rule covering protections for beneficiaries to conform more directly to the Executive Order language. This proposed would also provide that decisions about awards of Federal financial assistance must be free from political interference or even the appearance of such interference.

USAID intended to give a 60-day public comment period, which would mirror the comment period given in the related proposed rules of eight other federal agencies. Therefore, a comment period extension, to October 5, 2015, is appropriate without unduly delaying a final rulemaking decision. Accordingly, written comments must be submitted by the extended due date of October 5, 2015. USAID may not fully consider comments received after this date.

Dated: August 25, 2015.

C. Eduardo Vargas,

Deputy Director, Center for Faith-Based and Community Initiatives (Acting Director).

[FR Doc. 2015–22039 Filed 9–3–15; 8:45 am]

BILLING CODE 6116–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0808; FRL–9932–49–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Infrastructure Requirements for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to finalize a change to the Code of Federal Regulations (CFR) to reflect a 2014 EPA approval to a State Implementation Plan (SIP) revision to regulate greenhouse gases (GHGs) in Texas' Prevention of Significant Deterioration (PSD) permitting program and to show that the SIP deficiency identified in a prior partial disapproval for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) has been addressed.

DATES: Written comments should be received on or before October 5, 2015.

ADDRESSES: Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. 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: Carl Young, 214–665–6645, *young.carl@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is finalizing a change to the CFR without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. The change is to reflect a 2014 EPA approval to a SIP revision to regulate GHGs in the Texas PSD permitting program and to show that the SIP deficiency identified in a prior partial disapproval has been addressed. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If the 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 rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: August 26, 2015.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2015–22036 Filed 9–3–15; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 80, No. 172
Friday, September 4, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0058]

Highly Pathogenic Avian Influenza; Availability of an Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that an environmental assessment has been prepared by the Animal and Plant Health Inspection Service relative to a national approach for the control of highly pathogenic avian influenza outbreaks within the United States. Based on our environmental assessment, we have concluded that such an approach will not have a significant impact on the quality of the human environment. We are making this environmental assessment and finding of no significant impact available to the public for review and comment.

DATES: We will consider all comments that we receive on or before October 5, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS–2015–0058.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0058, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The environmental assessment, finding of no significant impact, and any comments we receive may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0058* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Lori Miller, PE, Senior Staff Officer and Environmental Engineer, APHIS Veterinary Services, 4700 River Road Unit 41, Riverdale, MD 20737; (301) 851–3512.

SUPPLEMENTARY INFORMATION: Highly pathogenic avian influenza (HPAI) is a significant and often fatal zoonotic disease of poultry. In December 2014, two H5 viruses of HPAI were discovered in the United States. These viruses were subsequently detected in both migratory waterfowl and domestic poultry, and significantly affected domestic poultry production within the United States. Two poultry production sectors, commercial meat turkeys and laying chickens, were heavily impacted by the disease, resulting in the loss or destruction of over 48 million birds between December 2014 and June 2015.

While disease eradication efforts, northern migration of wild waterfowl, and the natural disinfecting effect of summer heat have currently halted the spread of the disease within the United States, the migration southward of potentially infected wild waterfowl during the autumn could precipitate a new round of outbreaks.

To address this potential new round of outbreaks, the Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment, titled ''High Pathogenicity Avian Influenza Control in Commercial Poultry Operations—A National Approach,'' relative to a national approach to controlling outbreaks of HPAI within the United States. The environmental assessment suggests an approach in which APHIS uses its centralized management of carcass disposal activities to ensure consistency throughout the United States with regard to control efforts in response to HPAI outbreaks. Under this approach, APHIS would provide information and other support to State and local authorities to help them determine which depopulation, disposal, and cleaning and disinfection methods are most appropriate for the situation. Based on the environmental assessment, APHIS has decided to implement this approach, and has concluded that the approach will not have a significant impact on the quality of the human environment.

We are making both this environmental assessment and finding of no significant impact available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice. If comments suggest issues that were not previously considered, APHIS may issue a supplement to the environmental assessment and finding of no significant impact.

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the environmental assessment or finding of no significant impact by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the documents when requesting copies.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 31st day of August 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–21994 Filed 9–3–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0054]

Availability of an Environmental Assessment for Field Testing a Swine Influenza Vaccine, H1N1 & H3N2, Modified Live Virus

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Swine Influenza Vaccine, H1N1 & H3N2, Modified Live Virus. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis and other relevant data, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before October 5, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0054.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0054, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0054* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 851–3426, fax (301) 734–4314.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information removed), contact Dr. Patricia L. Foley, Risk Manager, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337–6100, fax (515) 337–6120.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS considers the potential effects of this product on the safety of animals, public health, and the environment. Using the risk analysis and other relevant data, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Boehringer Ingelheim Vetmedica, Inc.

Product: Swine Influenza Vaccine, H1N1 & H3N2, Modified Live Virus.

Possible Field Test Locations: Iowa, Missouri, North Carolina, and Utah.

The above-mentioned product consists of two live attenuated swine influenza vaccine viruses, subtypes H1N1 and H3N2, each containing a truncated NS1 gene. The attenuated vaccine is intended for vaccination of healthy, susceptible pigs one day of age or older, as an aid in the prevention of clinical disease associated with swine influenza infection.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 31st day of August 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–21995 Filed 9–3–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli Resource Advisory Committee (RAC) will meet in

Hamilton, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/bitterroot/workingtogether/advisorycommittees.*

DATES: The meeting will be held September 22, 2015, at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Bitteroot National Forest (NF) Supervisor's Office, 1801 North 1st Street, Hamilton, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Bitteroot NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Ryan Domsalla, Designated Federal Officer, by phone at 406–821–3269 or via email at *rdomsalla@fs.fed.us;* or Joni Lubke, RAC Coordinator, by phone at 406–363–7182 or via email at *jmlubke@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Project presentations; and
2. To review monitoring reports.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 18, 2015, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Joni Lubke, RAC Coordinator, 1801 N. 1st Street, Hamilton, Montana 59840; by email to *jmlubke@fs.fed.us,* or via facsimile to 406–363–7159.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: August 24, 2015.

Julie K. King,

Forest Supervisor.

[FR Doc. 2015–21999 Filed 9–3–15; 8:45 am]

BILLING CODE 3411–15–P

THE BROADCASTING BOARD OF GOVERNORS

Privacy Act of 1974; Amendments to Existing System of Records

AGENCY: The Broadcasting Board of Governors.

ACTION: Notice of Amendments to an Existing System of Records.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended, the Broadcasting Board of Governors (BBG) proposes to amend the system of records currently listed under ''BBG–13 M/PT—Office of Personnel (Training and Development Division).'' The amended system of records notice includes updates to reflect organizational changes within the BBG, includes records on contractor training registration, and includes other administrative changes.

DATES: This action will be effective without further notice on October 14, 2015, unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to the Broadcasting Board of Governors, ATTN: Paul Kollmer, Chief Privacy Officer, 330 Independence Avenue, Room 3349, Washington, DC 20237.

FOR FURTHER INFORMATION CONTACT: David Milligan, Director of the Office of Workforce Support and Development, (202) 203–4500

Dated: September 1, 2015.

André Mendes,

Interim CEO and Director, BBG.

BBG 13—Office of Workforce Support and Development

SYSTEM NAME:

OWSDS—Office of Workforce Support and Development System

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Workforce Support and Development, Broadcasting Board of Governors, International Broadcasting Bureau, 330 C St. SW., Washington, DC 20237.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BBG employees and contractor personnel receiving Agency-provided training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee and contractor personnel training registration data, applications, biographic data, educational backgrounds, training records, training program outlines, evaluations of training courses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, *et seq.*); the U.S. International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, *et seq.*); and the Foreign Affairs Consolidation Act of 1998 (Pub. L. 105–277).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Background material used to determine eligibility for training; justification for training reports and record-keeping; evaluation and selection of lecturers and contractors to provide training; preparation of reports to Congress and other Government agencies on training provided and training costs, as well as projected training needs and costs.

Information is made available on a need-to-know basis to personnel of the BBG as may be required in the performance of their official duties. The principal users of this information outside the BBG are personnel officers in other Government agencies as a result of transfer, detail, or reassignment of the individual to whom the record pertains, other agencies considering employees for detail or transfer, and investigators performing their job functions.

The information may also be released to other Government agencies that have

statutory or other lawful authority to maintain such information. Also see Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Paper records stored in file folders and file cabinets. Computer records stored on computer drives.

Retrievability: Manually retrieved by name, by computer generated lists of training statistics, or by training course title or description.

Safeguards: Access to files is limited only to authorized BBG employees having an official use or need for the information. All files are maintained in locked file cabinets during non-duty hours and are protected by office personnel when being used during duty hours. All files are contained within a secure building with access only to individuals with appropriate identification. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office or workspace.

Retention and disposal: Training records maintained until employee is separated, until records are no longer needed, or otherwise as directed by the General Records Schedule. Budget records and cost statistics are kept for three to five years or otherwise as directed by the General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Workforce Support and Development, Broadcasting Board of Governors, International Broadcasting Bureau, 330 C St. SW. Washington, DC 20237.

NOTIFICATION PROCEDURES:

Individuals who want to know whether this system of records contains information about them, or who want access to their records, or who want to contest the contents of a record, should make a written request to: FOIA/Privacy Act Officer, BBG, Suite 3349, 330 Independence Ave. SW. Washington, DC 20237. Individuals' requests should contain the name and address of the system manager (listed above) and the following information to enable their records to be located and identified:

A. Full legal name;

B. Date of Birth;

C. Social Security Number;

D. Last employing organization (include duty station location) and the approximate dates of employment or contact; and

E. Signature.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should follow the Notification Procedures (listed above). Individuals requesting access will also be required to provide adequate identification, such as driver's license, employee identification card, and/or other identifying document. Additional identification procedures may be required in some instances. A notarized signature is required if the request is made by written correspondence. To request a file other than your own, you must have a notarized, signed statement giving you express permission to access the file from the individual to whom the file pertains.

CONTESTING RECORD PROCEDURES:

The BBG's rules for access and for contesting record contents and appealing determinations appear in 22 CFR part 505. The right to contest records is limited to information that is incomplete, irrelevant, erroneous or untimely.

RECORD SOURCE CATEGORIES:

The employee; training applications and records; training officers and other individuals involved in personnel management; supervisors; contracting officer representatives; trainee evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Certain records contained within this system of records may be exempted by 5 U.S.C. 552a(k)(2); (k)(4); (k)(5); and (k)(6).

[FR Doc. 2015–22086 Filed 9–3–15; 8:45 am]

BILLING CODE 8610–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee To Introduce Recently Appointed Committee Members and Discuss Civil Rights Concerns in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Wednesday, September 30, 2015, at 12:00 p.m. CDT for the purpose of introducing Committee members appointed August 14, 2015, and beginning a discussion regarding civil rights concerns in the State for the Committee's consideration.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–510–1765, conference ID: 9957072. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited and welcomed to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office by October 30, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=246* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Committee Roles and Responsibilities
  Ethics
  Jurisdiction and Scope of Duties
  Project Process and Examples
Discussion

Current Civil Rights Issues in Illinois
Future Plans and Actions
Open Comment
Adjournment

DATES: The meeting will be held on Wednesday, September 30, 2015, at 12:00 p.m. CDT.

Public Call Information:
Dial: 888–510–1765
Conference ID: 9957072

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov.*

Dated: September 1, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–21966 Filed 9–3–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[8/26/2015 through 8/31/2015]

Firm name	Firm address	Date accepted for investigation	Product(s)
NU–CO Tool, Inc	7310 North Liberty, Edinburg, TX 78541	8/26/2015	The firm manufactures precision machined tools.
Bamar Plastics, Inc	1702 South Robinson Street, South Bend, IN 46613.	8/26/2015	The firm manufactures precision injection molded thermoplastic parts for the automotive industry.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: August 31, 2015.

Michael S. DeVillo,

Eligibility Examiner.

[FR Doc. 2015–21977 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[15–BIS–001]

Order Relating to Air Bashkortostan, LTD.

In the Matter of:

Air Bashkortostan, LTD. with a last known address of:

142001, Moscow Region, City of Domodedovo, Centralny District, Promyshlennaya Street, 11B, Russian Federation, Respondent.

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS''), has notified Air Bashkortostan, LTD., of Bashkortostan, Russia (''Air Bashkortostan''), that it has initiated an administrative proceeding against Air Bashkortostan pursuant to Section 766.3 of the Export Administration Regulations (the ''Regulations''),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (the ''Act''),[2] through the issuance of a Charging Letter to Air Bashkortostan that alleges that Air Bashkortostan committed four violations of the Regulations. Specifically, the charges are:

Charges 1–4: 15 CFR 764.2(a)—Engaging in Prohibited Conduct

On four occasions between on or about January 7, 2009, and on or about March 19, 2009, Air Bashkortostan engaged in conduct prohibited by the Regulations when on each occasion it reexported a Boeing 757 aircraft from Russia to Iran without the required U.S. Government authorization. These four U.S.-origin aircraft were subject to the Regulations, classified under Export Control Classification Number (''ECCN'') 9A991.b, and controlled for anti-terrorism reasons pursuant to Sections 742.8 and 746.7 of the Regulations. The transactions were valued at a total of $4.5 million.

The aircraft were reexported pursuant to lease agreements between Air Bashkortostan and Eram Air, an airline based in Iran, and were operated on flights into and out of Iran, a Country Group E:1 destination under the Regulations.[3] During the period of the leases, the maintenance of the aircraft was performed in Iran.

At all times pertinent hereto, Sections 742.8 and 746.7 of the Regulations imposed a BIS license requirement for the reexport of these aircraft from any foreign country, including Russia, to Iran. In order to avoid duplication, reexporters were not required under the

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2015). The charged violations occurred in 2009. The Regulations governing the violations at issue are found in the 2009 version of the Code of Federal Regulations (15 CFR parts 730–774 (2009)). The 2015 Regulations set forth the procedures that apply to this matter.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2015 (80 FR 48,233 (Aug. 11, 2015)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010).

[3] *See* Supplement No. 1 to 15 CFR part 740 (2009).

Regulations to seek authorization from both BIS and the Treasury Department's Office of Foreign Assets Control (''OFAC'') for exports and reexports subject to both the Regulations and the Iranian Transactions Regulations (''ITR'') administered by OFAC.[4] Accordingly, an authorization granted by OFAC would have been considered authorization for purposes of the EAR as well. However, Air Bashkortostan did not seek or obtain authorization from BIS, or from OFAC, in connection with any of the transactions at issue.

In engaging in the activity alleged above, Air Bashkortostan committed four violations of Section 764.2(a) of the Regulations.

Whereas, BIS and Air Bashkortostan have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, Air Bashkortostan shall be assessed a civil penalty in the amount of $350,000, all of which shall be suspended for a period of one year from the date of this Order, and thereafter shall be waived, provided that during this one-year probationary period, Air Bashkortostan has committed no violation of the Act, or any regulation, order, license, or authorization issued thereunder. If Air Bashkortostan commits a violation of the Act or any regulation, order, license, or authorization issued thereunder, during the probationary period under this Order, the suspension of the civil penalty may be modified or revoked by BIS and the $350,000 made due and owing immediately.

Second, that for a period of one (1) year from the date of this Order, Air Bashkortostan LTD., with a last known address of 142001, Moscow Region, City of Domodedovo, Centralny District, Promyshlennaya Street, 11B, Russian Federation, and when acting for or on its behalf, its successors, assigns, directors, officers, employees, representatives, or agents, (hereinafter collectively referred to as ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Third, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fourth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Fifth, Air Bashkortostan shall not take any action or make or permit to be made any public statement, directly or indirectly, denying the allegations in the Charging Letter or the Order. The foregoing does not affect Air Bashkortostan's testimonial obligations in any proceeding, nor does it affect its right to take legal or factual positions in civil litigation or other civil proceedings in which the U.S. Department of Commerce is not a party.

Sixth, that the Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

Seventh, that this Order shall be served on Air Bashkortostan, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.[5]

Issued this 28th day of August, 2015.

Richard R. Majauskas,

Deputy Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2015–21978 Filed 9–3–15; 8:45 am]

BILLING CODE P

[4] 31 CFR part 560 (2009). By **Federal Register** notice dated October 22, 2012, the Department of the Treasury's Office of Foreign Assets Control renamed the ITR as the Iranian Transactions and Sanctions Regulations and reissued the set of regulations in its entirety. 77 FR 64,664 (Oct. 22, 2012).

[5] Review and consideration of this matter have been delegated to the Deputy Assistant Secretary of Commerce for Export Enforcement.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') is conducting the sixth administrative review of the antidumping duty order on certain steel nails (''nails'') from the People's Republic of China (''PRC'').[1] The Department selected two respondents

[1] *See Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China,* 73 FR 44961 (August 1, 2008) (''*Order*'').

for individual review.[2] The Department preliminarily determines that Stanley sold subject merchandise in the United States at prices below normal value (''NV'') during the period of review (''POR''), August 1, 2013, through July 31, 2014. The Department also preliminarily determines that Shandong Oriental Cherry failed to cooperate to the best of its ability in participating in the review, warranting the application of facts otherwise available with adverse inferences, and that it is part of the PRC-wide entity. If these preliminary results are adopted in the final results, the Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* September 4, 2015.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey or Julia Hancock, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–2312 or 202–482–1394, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2014, the Department initiated the sixth administrative review of the antidumping duty order on nails from the PRC for the period August 1, 2013, through July 31, 2014.[3] On April 14, 2015, the Department partially extended the deadline for issuing the preliminary results by 100 days.[4] On July 10, 2015, the Department fully extended the deadline for issuing the preliminary results by 20 days,[5] to August 31, 2015.

Scope of the Order

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.[6] While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[7]

Preliminary Determination of No Shipments

Based on the no-shipments letters filed by 11 different companies subject to this review, the Department preliminarily determines that these companies did not have any reviewable transactions during the POR. For additional information regarding this determination, including a list of these companies, *see* the Preliminary Decision Memorandum. Consistent with our assessment practice in non-market economy (''NME'') cases, the Department is not rescinding this review for these companies, but intends to complete the review and issue appropriate instructions to CBP based on the final results of the review.[8]

Preliminary Affiliation and Single Entity Determination

Based on the record evidence for these preliminary results, we find that Shandong Oriental Cherry Hardware Group., Ltd., Shandong Oriental Cherry Hardware Import & Export Co., Ltd., Shandong Oriental Cherry Hardware Group Heze Products Co., Ltd., Jining Huarong Hardware Products Co., Ltd., Jining Dragon Fasteners Co., Ltd., and Jining Yonggu Metal Products Co., Ltd. are affiliated, pursuant to sections 771(33)(A), (E), (F), and (G) of the Tariff Act of 1930, as amended (''the Act''). Additionally, under 19 CFR 351.401(f)(1)–(2) and as facts available, we preliminarily find that these companies should be considered a single entity, (collectively known as the ''Shandong Oriental Cherry Entity''), for purposes of these preliminary results.[9]

Application of Facts Available and Use of Adverse Inference

As discussed below and in further detail in the Preliminary Decision Memorandum, pursuant to sections 776(a)(2)(A), (B), and (C) of the Act, the Department determines that the use of facts otherwise available is warranted with respect to Shandong Oriental Cherry. Specifically, Shandong Oriental Cherry failed to provide in the form and manner requested by the Department: (1) An accurate, reliable sales reconciliation regarding its reported sales of subject merchandise to the United States during the POR; (2) an accurate, reliable factors of production (''FOP'') database that is reported on a CONNUM-specific basis; and (3) sales data, FOP data, and full product specifications from Shandong Oriental Cherry's affiliate, Jining Dragon Fasteners Co., Ltd., for the shooting nails it sold to the United States during the POR. Additionally, Shandong Oriental Cherry along with its affiliate, Jining Dragon Fasteners Co., Ltd., significantly impeded the proceeding by not providing accurate or complete responses to the Department's questions about its U.S. sales data and FOP data regarding its sales of subject merchandise to the United States during the POR.

The Department finds that, taken together, and as explained in more detail in the Preliminary Decision Memorandum, these deficiencies indicate that the Department cannot rely on Shandong Oriental Cherry's submitted information. In selecting from among the facts otherwise available, pursuant to section 776(b) of the Act, an adverse inference is warranted when the Department has determined that a respondent has failed to cooperate by not acting to the best of its ability to comply with a request for information. Within the meaning of section 776(b) of the Act, the Department preliminarily finds that Shandong Oriental Cherry failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information and that the application of AFA is

[2] Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc. (collectively ''Stanley''), and Shandong Oriental Cherry Hardware Group., Ltd. (''Shandong Oriental Cherry'').

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 58729 (September 30, 2014) (''*Initiation Notice*'').

[4] *See* Memorandum to Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office V, Antidumping and Countervailing Duty Operations regarding ''Certain Steel Nails from the People's Republic of China: Extension of Deadline for Preliminary Results of 2013–2014 Antidumping Duty Administrative Review,'' dated April 14, 2015.

[5] *See* Memorandum to Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office V, Antidumping and Countervailing Duty Operations regarding ''Certain Steel Nails from the People's Republic of China: Extension of Deadline for Preliminary Results of 2013–2014 Antidumping Duty Administrative Review,'' dated July 10, 2015. We note that second extension of the preliminary results listed the extended deadline as September 1, 2015; however, the correct extended deadline is August 31, 2015.

[6] The Department recently added the Harmonized Tariff Schedule category 7907.00.6000, ''Other articles of zinc: Other,'' to the language of the *Order. See* Memorandum to Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office 9, Antidumping and Countervailing Duty Operations, regarding ''Certain Steel Nails from the People's Republic of China: Cobra Anchors Co. Ltd. Final Scope Ruling,'' dated September 19, 2013.

[7] *See* ''Certain Steel Nails from the People's Republic of China: Decision Memorandum for the Preliminary Results of the 2013–2014 Antidumping Duty Administrative Review,'' (''Preliminary Decision Memorandum''), dated concurrently with these results and hereby adopted by this notice, for a complete description of the Scope of the *Order.*

[8] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[9] For further information, please *see* the Preliminary Decision Memorandum.

warranted. As AFA, and as explained in the Preliminary Decision Memorandum, we have found that the Shandong Oriental Cherry Entity has failed to establish its independence from the PRC-wide entity and, as a result, is subject to the PRC-wide entity's rate.

Separate Rates

The Department preliminarily determines that information placed on the record by the mandatory respondent Stanley, as well as by the 20 other separate rate applicants, demonstrates that these companies are entitled to separate rate status. For additional information, *see* the Preliminary Decision Memorandum.

PRC-Wide Entity

The Department's change in policy regarding conditional review of the PRC-wide entity applies to this administrative review.[10] Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity is not under review and the entity's rate is not subject to change (*i.e.,* 118.04 percent).[11] Aside from the no shipments and separate rate companies discussed above, the Department considers all other companies for which a review was requested,[12] as well as the Shandong Oriental Cherry Entity, to be part of the PRC-wide entity. For additional information, *see* the Preliminary Decision Memorandum; *see also* Appendix 2 for a list of companies considered as part of the PRC-wide entity.

Rate for Separate-Rate Companies Not Individually Examined

The statute and the Department's regulations do not address the establishment of a rate to be applied to respondents not selected for individual examination when the Department limits its examination of companies subject to the administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents not individually examined in an administrative review. Section 735(c)(5)(A) of the Act articulates a preference for not calculating an all-others rate using rates which are zero, *de minimis* or based entirely on facts available. Accordingly, the Department's usual practice has been to determine the dumping margin for companies not individually examined by averaging the weighted-average dumping margins for the individually examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available.[13] Consistent with this practice, in this review, we calculated a weighted-average dumping margin for Stanley that is above *de minimis* and not based entirely on FA; therefore, the Department assigned to the companies not individually examined, but which demonstrated their eligibility for a separate rate, the weighted-average dumping margin calculated for Stanley.

Methodology

The Department conducted this review in accordance with sections 751(a)(1)(B) and 751(a)(2)(A) of the Act. Constructed export prices and export prices have been calculated in accordance with section 772 of the Act. Because the PRC is a non-market economy country within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary 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 is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period August 1, 2013, through July 31, 2014:

Exporter	Weighted-average margin (percent)
Stanley	12.51
Chiieh Yung Metal Ind. Corp	12.51
Dezhou Hualude Hardware Products Co., Ltd	12.51
Hebei Cangzhou New Century Foreign Trade Co., Ltd	12.51
Nanjing Caiqing Hardware Co., Ltd	12.51
Qingdao D&L Group Ltd	12.51
SDC International Aust. PTY. Ltd	12.51
Shandong Dinglong Import & Export Co., Ltd	12.51
Shanghai Curvet Hardware Products Co., Ltd	12.51
Shanghai Yueda Nails Industry Co., Ltd	12.51
Shanxi Hairui Trade Co., Ltd	12.51
Shanxi Pioneer Hardware Industrial Co., Ltd	12.51
Shanxi Tianli Industries Co., Ltd	12.51
S-Mart (Tianjin) Technology Development Co., Ltd	12.51
Suntec Industries Co., Ltd	12.51
Tianjin Jinchi Metal Products Co., Ltd	12.51
Tianjin Jinghai County Hongli Industry & Business Co., Ltd	12.51
Tianjin Lianda Group Co., Ltd	12.51
Tianjin Universal Machinery Imp. & Exp. Corporation	12.51
Tianjin Zhonglian Metals Ware Co., Ltd	12.51
Xi'an Metals & Minerals Import & Export Co., Ltd	12.51

Disclosure, Public Comment and Opportunity To Request a Hearing

The Department intends to disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review in the **Federal Register**.[14] Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the time limit for filing case briefs.[15] Parties who submit arguments

[10] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[11] *See, e.g., id.; Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 18816, 18817 and accompanying Issues and Decision Memorandum (''*AR5 Final Results*'').

[12] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 51548, 51549 (August 29, 2014) (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification * * *'').

[13] *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part,* 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

[14] *See* 19 CFR 351.309(c)(1)(ii).

[15] *See* 19 CFR 351.309(d)(1) and (2).

are requested to submit with the argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.[16] Parties submitting briefs should do so pursuant to the Department's electronic filing system, ACCESS.[17]

Any interested party may request a hearing within 30 days of publication of this notice.[18] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.[19]

The Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[20] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For assessment purposes, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*.[21] For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation.[22] Where either a respondent's weighted average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[23] For the respondents that were not selected for individual examination in this administrative review and that qualified for a separate rate, the assessment rate will be based on the average of the mandatory respondents.[24] We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

Pursuant to the Department's practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter 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.[25]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have 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 previously investigated or reviewed PRC and non-PRC exporters not listed above 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 that 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.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This preliminary determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 28, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix 1—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Non-Market Economy Country Status
6. PRC-Wide Entity
7. Separate Rates
8. Affiliation
9. Application of Facts Available and Use of Adverse Inference
10. Surrogate Country
11. Date of Sale
12. Comparisons to Normal Value
13. Determination of Comparison Method
14. Results of Differential Pricing Analysis
15. U.S. Price
16. Normal Value
17. Factor Valuations
18. Currency Conversion

Appendix 2—Companies Subject to This Administrative Review That Are Considered To Be Part of the PRC-Wide Entity

ABF Freight System, Inc.
Agritech Products Ltd.
Aihua Holding Group Co., Ltd.
Aironware (Shanghai) Co. Ltd.
Anping County Anning Wire Mesh Co.
Anping Fuhua Wire Mesh Making Co.
APM Global Logistics O/B Hasbro Toy
Beijing Daruixing Global Trading Co., Ltd.

[16] *See* 19 CFR 351.309(c)(2), (d)(2).

[17] *See* 19 CFR 351.303 (for general filing requirements).

[18] *See* 19 CFR 351.310(c).

[19] *See* 19 CFR 351.310(d).

[20] *See* 19 CFR 351.212(b).

[21] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) in the manner described in more detail in the Preliminary Decision Memorandum.

[22] *See* 19 CFR 351.212(b)(1).

[23] *See* 19 CFR 351.106(c)(2).

[24] *See* Preliminary Decision Memorandum.

[25] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Beijing Daruixing Nail Products Co., Ltd.
Beijing Hong Sheng Metal Products Co., Ltd.
Beijing Hongsheng Metal Products Co., Ltd.
Beijing Jinheuang Co., Ltd.
Beijing Kang Jie Kong Cargo Agent
Beijing KJK Intl Cargo Agent Co., Ltd.
Beijing Long Time Rich Tech Develop
Beijing Tri-Metal Co., Ltd.
Beijing Yonghongsheng Metal Products Co., Ltd.
Brighten International, Inc.
Cana (Tianjin) Hardware Ind., Co., Ltd.
Cana (Tianjin) Hardware Industrial Co., Ltd.
Century Shenzhen Xiamen Branch
Changzhou MC I/E Co., Ltd.
Changzhou Quyuan Machinery Co., Ltd.
Changzhou Refine Flag & Crafts Co., Ltd.
Chao Jinqiao Welding Material Co., Ltd.
Chaohu Bridge Nail Industry Co., Ltd.
Chaohu Jinqiao Welding Material Co.
Chewink Corp.
Chiieh Yung Metal Industrial Corp.
Chiieh Yung Metal Industrial Corporation
China Container Line (Shanghai) Ltd.
China Silk Trading & Logistics Co., Ltd.
China Staple Enterprise (Tianjin) Co., Ltd.
Chongqing Hybest Nailery Co., Ltd.
Chongqing Hybest Tools Group Co., Ltd.
Cintee Steel Products Co., Ltd.
Cyber Express Corporation
CYM (Nanjing) Nail Manufacture Co., Ltd.
CYM (Nanjing) Ningquan Nail Manufacture Co., Ltd.
Dagang Zhitong Metal Products Co., Ltd.
Damco Shenzhen
Daxing Niantan Industrial
Delix International Co., Ltd.
Dingzhou Derunda Material and Trade Co., Ltd.
Dingzhou Ruili Nail Production Co., Ltd.
Dong'e Fugiang Metal Products Co., Ltd.
Dongguan Five Stone Machinery Products Trading Co., Ltd.
ECO System Co., Ltd.
ECO System Corporation
Elite International Logistics Co.
Elite Master International Ltd.
England Rich Group (China) Ltd.
Entech Manufacturing (Shenzhen) Ltd.
Expeditors China Tianjin Branch
Faithful Engineering Products Co. Ltd.
Fedex International Freight Forward Agency Services (Shanghai) Co., Ltd.
Feiyin Co., Ltd.
Fension International Trade Co., Ltd.
Foreign Economic Relations & Trade
Fujiansmartness Imp. & Exp. Co., Ltd.
Fuzhou Builddirect Ltd.
Goal Well Stone Co., Ltd.
Gold Union Group Ltd.
Goldever International Logistics Co.
Goldmax United Ltd.
Grace News Inc.
Guangdong Foreign Trade Import & Export Corporation
Guangzhou Qiwei Imports and Exports Co., Ltd.
Guoxin Group Wang Shun I/E Co., Ltd.
GWP Industries (Tianjin) Co., Ltd.
Haierc Industry Co., Ltd.
Haixing Hongda Hardware Production Co., Ltd.
Haixing Linhai Hardware Products Factory
Haiyan Fefine Import and Export Co.
Handuk Industrial Co., Ltd.
Hangzhou Kelong Electrical Appliance & Tools Co. Ltd.
Hangzhou New Line Co., Ltd.
Hangzhou Zhongding Imp. & Exp. Co., Ltd.
Hebei Development Metals Co., Ltd.
Hebei Jinsidun (JSD) Co., Ltd.
Hebei Machinery Import and Export Co., Ltd.
Hebei Minmetals Co., Ltd.
Hebei My Foreign Trade Co., Ltd.
Hebei Super Star Pneumatic Nails Co., Ltd.
Henan Pengu Hardware Manufacturing Co., Ltd.
Hengshui Mingyao Hardware & Mesh Products Co., Ltd.
Heretops (Hong Kong) International Ltd.
Heretops Import & Export Co., Ltd.
Hilti (China) Limited
HK Villatao Sourcing Co., Ltd.
Hong Kong Hailiang Metal Trading Ltd.
Hong Kong Yu Xi Co., Ltd.
Huadu Jin Chuan Manufactory Co Ltd.
Huanghua Honly Industry Corp.
Huanghua Huarong Hardware Products Co., Ltd.
Huanghua Jinhai Metal Products Co., Ltd.
Huanghua Shenghua Hardware Manufactory Factory
Huanghua Xinda Nail Production Co., Ltd.
Huanghua Xiong Hua Hardware Product Co., Ltd.
Huanghua Yufutai Hardware Products Co., Ltd.
Hubei Boshilong Technology Co., Ltd.
Huiyuan Int'l Commerce Exhibition Co., Ltd.
Jiashan Superpower Tools Co., Ltd.
Jiaxing Yaoliang Import & Export Co., Ltd.
Jinhua Kaixin Imp & Exp Ltd.
Jining Huarong Hardware Products
Joto Enterprise Co., Ltd.
Karuis Custom Metal Parts Mfg. Ltd.
Kasy Logistics (Tianjin) Co., Ltd.
K.E. Kingstone
Koram Panagene Co., Ltd.
Kuehne & Nagel Ltd.
Kum Kang Trading Co., Ltd.
Kyung Dong Corp.
Le Group Industries Corp. Ltd.
Leang Wey Int. Business Co., Ltd.
Liang's Industrial Corp.
Lijiang Liantai Trading Co., Ltd.
Linhai Chicheng Arts & Crafts Co., Ltd.
Lins Corp.
Linyi Flying Arrow Imp & Exp. Co., Ltd.
Maanshan Cintee Steel Products Co., Ltd.
Maanshan Leader Metal Products Co. Ltd.
Maanshan Longer Nail Product Co., Ltd.
Manufacutersinchina (HK) Company Ltd.
Marsh Trading Ltd.
Master International Co., Ltd.
Mingguang Abundant Hardware Products Co., Ltd.
Nanjing Dayu Pneumatic Gun Nails Co., Ltd.
Nanjing Yuechang Hardware Co. Ltd.
Nantong Corporation for Internation
Ningbo Bolun Electric Co., Ltd.
Ningbo Dollar King Industrial Co., Ltd.
Ningbo Endless Energy Electronic Co., Ltd.
Ningbo Fension International Trade Center
Ningbo Fortune Garden Tools and Equipment Inc.
Ningbo Haixin Railroad Material Co.
Ningbo Huamao Imp & Exp. Co., Ltd.
Ningbo Hyderon Hardware Co., Ltd.
Ningbo JF Tools Industrial Co., Ltd.
Ningbo KCN Electric Co., Ltd.
Ningbo Meizhi Tools Co., Ltd.
Ningbo Ordam Import & Export Co., Ltd.
OEC Logistics (Qingdao) Co. Ltd.
Omega Products International
OOCL Logistics O B of Winston Marketing Group
Orisun Electronics HK Co., LTd.
Pacole International Ltd.
Panagene Inc.
Pavilion Investmen Ltd.
Perfect Seller Co., Ltd.
Prominence Cargo Service, Inc.
Qianshan Huafeng Trading Co., Ltd.
Qidong Liang Chyuan Metal Industry Co., Ltd.
Qingdao Bestworld Industry Trading
Qingdao D&L Group, Ltd.
Qingdao D&L Group Co., Ltd.
Qingdao Denarius Manufacture Co. Limited
Qingdao Golden Sunshine ELE–EAQ Co., Ltd.
Qingdao International Fastening Systems Inc.
Qingdao Koram Steel Co., Ltd.
Qingdao Lutai Industrial Products Manufacturing Co., Ltd.
Qingdao Meijia Metal Products Co.
Qingdao Rohuida International Trading Co.,
Qingdao Sino-Sun International Trading Company Limited
Qingdao Super United Metals & Wood Prods. Co. Ltd.
Qingdao Tiger Hardware Co., Ltd.
Qingfu Metal Craft Manufacturing Ltd.
Qinghai Wutong (Group) Industry Co.
Qingyuan County Hongyi Hardware Products Factory
Qingyun Hongyi Hardware Factory
Qinhuangdao Kaizheng Industry and Trade Co.
Q-Yield Outdoor Great Ltd.
Region International Co., Ltd.
Richard Hung Ent. Co. Ltd.
River Display Ltd.
Rizhao Changxing Nail-Making Co., Ltd.
Rizhao Handuk Fasteners Co., Ltd.
Rizhao Qingdong Electronic Appliance Co.,
Romp (Tianjin) Hardware Co., Ltd.
Saikelong Electric Appliances (Suzhou) Co.,
Se Jung (China) Shipping Co., Ltd.
SDC International Australia Pty., Ltd.
SDC International Australia (Pty) Ltd.
Senco Products, Inc.
Senco-Xingya Metal Products (Taicang) Co., Ltd.
Shandex Co., Ltd.
Shandex Industrial Inc.
Shandong Liaocheng Minghua Metal Products Co. Ltd.
Shandong Minmetals Co., Ltd.
Shandong Oriental Cherry Entity comprised of Shandong Oriental Cherry Hardware Group., Ltd., Shandong Oriental Cherry Hardware Import & Export Co., Ltd., Shandong Oriental Cherry Hardware Group Heze Products Co., Ltd., Jining Huarong Hardware Products Co., Ltd., Jining Dragon Fasteners Co., Ltd., and Jining Yonggu Metal Products Co., Ltd.
Shanghai Chengkai Hardware Product. Co., Ltd.
Shanghai Colour Nail Co., Ltd.
Shanghai Ding Ying Printing & Dyeing CLO
Shanghai GBR Group International Co.
Shanghai Holiday Import & Export Co., Ltd.
Shanghai Jian Jie International TRA
Shanghai March Import & Export Company Ltd.
Shanghai Mizhu Imp & Exp Corporation
Shanghai Nanhui Jinjun Hardware Factory

Shanghai Pioneer Speakers Co., Ltd.
Shanghai Pudong Int'l Transportation Booking Dep't
Shanghai Seti Enterprise International Co., Ltd.
Shanghai Shengxiang Hardware Co.
Shanghai Suyu Railway Fastener Co.
Shanghai Tengyu Hardware Products Co., Ltd.
Shanghai Tymex International Trade Co., Ltd.
Shanghai Yueda Fasteners Co., Ltd.
Shanxi Tianli Enterprise Co., Ltd.
Shanxi Yuci Wire Material Factory
Shaoguang International Trade Co.
Shaoxing Chengye Metal Producting Co., Ltd.
Shenyang Yulin International
Shenzhen Changxinghongye Imp.
Shenzhen Erisson Technology Co., Ltd.
Shenzhen Meiyuda Trade Co., Ltd.
Shenzhen Pacific-Net Logistics Inc.
Shenzhen Shangqi Imports-Exports TR
Shijiazhuang Anao Imp & Export Co. Ltd.
Shijiazhuang Fangyu Import & Export Corp.
Shijiazhuang Glory Way Trading Co.
Shijiazhuang Fitex Trading Co., Ltd.
Shijiazhuang Shuangjian Tools Co., Ltd.
Shitong Int'l Holding Limited
Shouguang Meiqing Nail Industry Co., Ltd.
Sinochem Tianjin Imp & Exp Shenzhen Corp.
Sirius Global Logistics Co., Ltd.
SMart (Tianjin) Technology Development Co., Ltd.
Sunfield Enterprise Corporation
Sunlife Enterprises (Yangjiang) Ltd.
Sunworld International Logistics
Superior International Australia Pty Ltd.
Suzhou Guoxin Group Wangshun I/E Co. Imp. Exp. Co., Ltd.
Suzhou Xingya Nail Co., Ltd.
Suzhou Yaotian Metal Products Co., Ltd.
Stanley Fastening Systems LP
Shandex Industrial
Telex Hong Kong Industry Co., Ltd.
The Everest Corp.
Thermwell Products
Tian Jin Sundy Co., Ltd. (a/k/a/Tianjin Sunny Co., Ltd.)
Tianjin Baisheng Metal Product Co., Ltd.
Tianjin Bosai Hardware Tools Co., Ltd.
Tianjin Chengyi International Trading Co., Ltd.
Tianjin Chentai International Trading Co., Ltd.
Tianjin City Dagang Area Jinding Metal Products Factory
Tianjin City Daman Port Area Jinding Metal Products Factory
Tianjin City Jinchi Metal Products Co., Ltd.
Tianjin Dagang Dongfu Metallic Products Co., Ltd.
Tianjin Dagang Hewang Nail Factory
Tianjin Dagang Hewang Nails Manufacture Plant
Tianjin Dagang Huasheng Nailery Co., Ltd.
Tianjin Dagang Jingang Nail Factory
Tianjin Dagang Jingang Nails Manufacture Plant
Tianjin Dagang Linda Metallic Products Co., Ltd.
Tianjin Dagang Longhua Metal Products Plant
Tianjin Dagang Shenda Metal Products Co., Ltd.
Tianjin Dagang Yate Nail Co., Ltd.
Tianjin Dery Import and Export Co., Ltd.
Tianjin Everwin Metal Products Co., Ltd.
Tianjin Foreign Trade (Group) Textile & Garment Co., Ltd.
Tianjin Hewang Nail Making Factory
Tianjin Huachang Metal Products Co., Ltd.
Tianjin Huapeng Metal Company
Tianjin Huasheng Nails Production Co., Ltd.
Tianjin Jetcom Manufacturing Co., Ltd.
Tianjin Jieli Hengyuan Metallic Products Co., Ltd.
Tianjin Jietong Hardware Products Co., Ltd.
Tianjin Jietong Metal Products Co., Ltd.
Tianjin Jin Gang Metal Products Co., Ltd.
Tianjin Jinjin Pharmaceutical Factory Co., Ltd.
Tianjin Jishili Hardware Co., Ltd.
Tianjin JLHY Metal Products Co., Ltd.
Tianjin Jurun Metal Products Co., Ltd.
Tianjin Kunxin Hardware Co., Ltd.
Tianjin Kunxin Metal Products Co., Ltd.
Tianjin Lianda Group Ltd.
Tianjin Linda Metal Company
Tianjin Longxing (Group) Huanyu Imp. & Exp. Co., Ltd.
Tianjin Master Fastener Co., Ltd. (a/k/a Master Fastener Co., Ltd.)
Tianjin Mei Jia Hua Trade Co., Ltd.
Tianjin Metals and Minerals
Tianjin Port Free Trade Zone Xiangtong Intl. Industry & Trade Corp.
Tianjin Products & Energy Resources Dev. Co., Ltd.
Tianjin Qichuan Metal Products Co. Ltd.
Tianjin Ruiji Metal Products Co., Ltd.
Tianjin Senbohengtong International
Tianjin Senmiao Import and Export Co., Ltd.
Tianjin Shenyuan Steel Producting Group Co., Ltd.
Tianjin Shishun Metal Product Co., Ltd.
Tianjin Shishun Metallic Products Co., Ltd.
Tianjin Tailai Import Export
Tianjin Universal Machinery Imp & Exp Corporation
Tianjin Universal Machinery Imp. & Exp. Corp. Ltd.
Tianjin Universal Machinery Import & Export Corp.
Tianjin Xiantong Fucheng Gun Nail Manufacture Co., Ltd.
Tianjin Xiantong Juxiang Metal MFG Co., Ltd.
Tianjin Xiantong Material & Trade Co., Ltd.
Tianjin Xinyuansheng Metal Products Co., Ltd.
Tianjin Yihao Metallic Products Co., Ltd.
Tianjin Yongchang Metal Product Co., Ltd.
Tianjin Yongxu Metal Products Co., Ltd.
Tianjin Yongye Furniture
Tianjin Yongyi Standard Parts Production Co., Ltd.
Tianjin Zhong Jian Wanli Stone Co., Ltd.
Tianjin Zhongsheng Garment Co., Ltd.
Tianwoo Logistics Developing Co. Ltd.
Topocean Consolidation Service (CHA) Ltd.
Traser Mexicana, S.A. De C.V.
Treasure Way International Dev. Ltd.
True Value Company (HK) Ltd.
Unicatch Industrial Co. Ltd.
Unigain Trading Co., Ltd.
Union Enterprise (Kunshan) Co., Ltd. a.k.a. Union Enterprise Co., Ltd.
Wintime Import & Export Corporation Limited of Zhongshan
Weifang Xiaotian Machine Co., Ltd.
Wenzhou KLF Medical Plastics Co., Lt.
Wenzhou Ouxin Foreign Trade Co., Ltd.
Wenzhou Yuwei Foreign Trade Co., Ltd.
Winsmart International Shipping Ltd. O/B Zhaoqing Harvest Nails Co., Ltd.
Wintime Import & Export Corporation Limited of Zhongshan
Worldwide Logistics Co., Ltd. (Tianjin Branch)
Wuhan Xinxin Native Produce & Animal By-Products Mfg. Co. Ltd.
Wuhu Sheng Zhi Industrial Co., Ltd.
Wuhu Shijie Hardware Co., Ltd.
Wuhu Xin Lan De Industrial Co., Ltd.
Wuqiao County Huifeng Hardware Products Factory
Wuqiao County Xinchuang Hardware Products Factory
Wuqiao Huifeng Hardware Production Co., Ltd.
Wuxi Baolin Nail Enterprises
Wuxi Baolin Nail-Making Machinery Co., Ltd.
Wuxi Chengye Metal Products Co., Ltd.
Wuxi Colour Nail Co., Ltd.
Wuxi Qiangye Metalwork Production Co., Ltd.
Wuxi Jinde Assets Management Co., Ltd.
Wuxi Moresky Developing Co., Ltd.
Xiamen New Kunlun Trade Co., Ltd.
Xi'an Metals & Minerals Import and Export Co., Ltd.
Xi'an Steel
XL Metal Works Co., Ltd.
XM International, Inc.
Xuzhou CIP International Group Co., Ltd.
Yeswin Corporation
Yitian Nanjing Hardware Co., Ltd.
Yiwu Dongshun Toys Manufacture
Yiwu Excellent Import & Export Co., Ltd.
Yiwu Jiehang Import & Export Co., Ltd.
Yiwu Qiaoli Import & Export Co., Ltd.
Yiwu Richway Imp & Exp Co., Ltd.
Yiwu Zhongai Toys Co., Ltd.
Yongcheng Foreign Trade Corp.
Yu Chi Hardware Co., Ltd.
Yue Sang Plastic Factory
Yuhuan Yazheng Importing
Zhangjiagang Lianfeng Metals Products Co., Ltd.
Zhangjiagang Longxiang Packing Materials Co.
Zhaoqing Harvest Nails Co., Ltd.
Zhejiang Hungyan Xingzhou Industria
Zhejiang Jinhua Nail Factory
Zhejiang Minmetals Sanhe Imp & Exp Co.
Zhejiang Qifeng Hardware Make Co., Ltd.
Zhejiang Taizhou Eagle Machinery Co.
Zhejiang Yiwu Huishun Import/Export Co., Ltd.
Zhongshan Junlong Nail Manufactures Co., Ltd.
ZJG Lianfeng Metals Product Ltd.

[FR Doc. 2015–22065 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–867]

Large Power Transformers From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large power transformers (LPTs) from the Republic of Korea (Korea).[1] The period of review (POR) is August 1, 2013, through July 31, 2014. The review covers five producers/exporters of the subject merchandise, Hyosung Corporation (Hyosung), Hyundai Heavy Industries Co., Ltd. (Hyundai), ILJIN, ILJIN Electric Co., Ltd. (ILJIN Electric), and LSIS Co., Ltd. (LSIS). We preliminarily determine that sales of subject merchandise by Hyosung and Hyundai, the two companies selected for individual examination, were made at less than normal value during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* September 4, 2015.

FOR FURTHER INFORMATION CONTACT: Brian Davis or Edythe Artman, 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) 482–7924 or (202) 482–3931, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The scope of this order covers large liquid dielectric power transformers (LPTs) having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States at subheadings 8504.23.0040, 8504.23.0080 and 8504.90.9540. This tariff classification is provided for convenience and Customs purposes; however, the written description of the scope of the order is dispositive. A full description of the scope of the order is contained in the memorandum from Gary Taverman, Associate Deputy Assistant Secretary for AD/CVD Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Large Power Transformers from the Republic of Korea; 2013–2014'' (Preliminary Decision Memorandum), which is issued concurrent with and hereby adopted by this notice.

The Preliminary 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 to ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* A list of topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price (CEP) is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that, for the period August 1, 2013, through July 31, 2014, the following dumping margins exist: [2]

Manufacturer/exporter	Weighted-average margin (percent)
Hyosung Corporation	11.01
Hyundai Heavy Industries Co., Ltd	3.96
ILJIN Electric Co., Ltd	7.49
ILJIN	7.49
LSIS Co., Ltd	7.49

Disclosure and Public Comment

The Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.[3] The Department will announce the briefing schedule to interested parties at a later date. Interested parties may submit case briefs on the deadline that the Department will announce and rebuttal briefs within five days after the time limit for filing case briefs.[4] Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days from the deadline date for the submission of case briefs.[5]

Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] Case and rebuttal briefs should be filed using ACCESS.[7] Case and rebuttal briefs must be served on interested parties.[8] Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) The number of participants; and (3) A list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.[9] Parties should confirm by telephone the date, time, and

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 58729 (September 30, 2014).

[2] As we did not have publicly-ranged U.S. sales volumes for Hyosung for the period August 1, 2013, through July 31, 2014, to calculate a weighted-average percentage margin for the non-selected companies (*i.e.,* ILJIN, ILJIN Electric, and LSIS) in this review, the rate applied to the non-selected companies is a simple average percentage margin calculated based on the margins calculated for Hyosung and Hyundai.

[3] *See* 19 CFR 351.224.(b).

[4] *See* 19 CFR 351.309(c)(1)(ii) and (d)(1).

[5] *See* 19 CFR 351.309(d)(1) and (2).

[6] *See* 19 CFR 351.309(c)(2).

[7] *See generally* 19 CFR 351.303.

[8] *See* 19 CFR 351.303(f).

[9] *See* 19 CFR 351.310(d).

location of the hearing two days before the scheduled date.

The Department intends to publish the final results of this administrative review, including the results of its analysis of issues addressed in any case or rebuttal brief, no later than 120 days after publication of these preliminary results, unless extended.[10]

Assessment Rates

Upon completion of this administrative review, the Department shall determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[11] If respondents' weighted-average dumping margin is not zero or *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If respondents' weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or de minimis, no antidumping duties will be assessed.'' [12]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Hyosung and Hyundai will be that established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the all-others rate of 22.00 percent, which is the all-others rate established in the investigation.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Companies Not Selected for Individual Examination
3. Deadline for Submission of Updated Sales and Cost Information
4. Verification
5. Scope of the Order
6. Comparisons to Normal Value
   A. Determination of Comparison Method
   B. Results of the Differential Pricing Analysis
7. Product Comparisons
8. Date of Sale
9. Constructed Export Price
10. Normal Value
    A. Home Market Viability as Comparison Market
    B. Level of Trade
    C. Cost of Production
1. Calculation of Cost of Production
2. Test of Comparison Market Sales Prices
3. Results of the Cost of Production Test
   D. Calculation of Normal Value Based on Comparison Market Prices
   E. Price-to-Constructed Value Comparison
   F. Constructed Value
11. Currency Conversion
12. Recommendation

[FR Doc. 2015–22066 Filed 9–3–15; 8:45 am]

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[10] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

[11] *See* 19 CFR 351.212(b)(1).

[12] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

[13] *See Large Power Transformers From the Republic of Korea: Antidumping Duty Order,* 77 FR 53177 (August 31, 2012).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–946]

Prestressed Concrete Steel Wire Strand From the People's Republic of China: Final Results of Expedited First Sunset Review of Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (the ''Department'') finds that revocation of the countervailing duty (''CVD'') order on prestressed concrete steel wire strand (''PC Strand'') from the People's Republic of China (''PRC'') would likely to lead to continuation or recurrence of countervailable subsidies at the level indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* September 4, 2015.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2015, the Department initiated a sunset review of the *Order* [1] pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the ''Act'') and 19 CFR 351.218(c).[2] On May 15, 2015, the Department received a timely notification of intent to participate from Insteel Wire Products Company and Sumiden Wire Products Corporation (collectively, ''Domestic Parties'' or ''Petitioners''), filed in accordance with 19 CFR 351.218(d)(1)(i). On June 1, 2015, the Department received a substantive response from Petitioners, timely filed in accordance with 19 CFR 351.218(d)(3)(i).[3] The Department did

[1] *See Pre-Stressed Concrete Steel Wire Strand from the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order,* 75 FR 38977 (July 7, 2010) (''*Order*'').

[2] *See Initiation of Five-Year ''Sunset'' Review,* 80 FR 24900 (May 1, 2015).

[3] *See* Letter to the Department, entitled ''Prestressed Concrete Steel Wire Strand from the

Continued

not receive a substantive response from the Government of China (''GOC'') or company respondent interested parties.

Pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2) and section 751(c)(3)(B) of the Act, when there are inadequate responses from respondent interested parties, the Department will conduct an expedited sunset review and, not later than 120 days after the date of publication in the **Federal Register**of the notice of initiation, issue final results of review based on the facts available. The Department did not receive a substantive response from the GOC or any PRC producers or exporters. Accordingly, we conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The scope of the *Order* is PC strand. Imports of merchandise included within the scope of this *Order* are currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). The Issues and Decision Memorandum (''IDM''), which is hereby adopted by this notice, provides a full description of the scope of the *Order.*[4]

Analysis of Comments Received

All issues raised in this review are addressed in the accompanying IDM. The issues discussed in the IDM include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the *Order* were revoked. Parties can find a complete discussion of all issues raised in this expedited sunset review and the corresponding recommendations in this public memorandum which is on file electronically via the Enforcement and Compliance Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and to all users in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the IDM can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed IDM and the electronic versions of the IDM are identical in content.

Final Results of Sunset Review

Pursuant to sections 752(b)(1) and (3) of the Act, the Department finds that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies, as indicated in the following chart:

Producer/exporter	Net subsidy rate
Fasten Group Corporation (Fasten Corp.), Fasten Group Import & Export Co., Ltd. (Fasten I&E), Jiangyin Hongsheng Co. Ltd. (Hongsheng), Jiangyin Fasten Steel Products Co., Ltd. (Fasten Steel), Jiangyin Hongyu Metal Products Co., Ltd. (Hongyu Metal), and Jiangyin Walsin Steel Cable Co., Ltd. (Walsin) (Collectively, the Fasten Companies).	9.42 percent *ad valorem.*
Xinhua Metal Products Company Ltd. (Xinhua), Xinyu Iron and Steel Joint Stock Limited Company (Xinyu), and Xingang Iron and Steel Joint Stock Limited Liability Company (Xingang) (Collectively the Xinhua Companies).	45.85 percent *ad valorem.*
All Others	27.64 percent *ad valorem.*

Notification Regarding Administrative Protective Order

This notice serves as the only 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. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. History of the *Order*
III. Background
IV. Scope of the *Order*
V. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Likely to Prevail
3. Nature of the Subsidy
Export Subsidies
Other Subsidies
VI. Final Results of Review
VII. Recommendation

[FR Doc. 2015–22067 Filed 9–3–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Open Meeting (via webinar and teleconference).

SUMMARY: Notice is hereby given of a virtual meeting of the U. S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee).

Dates and Times: The public meeting will be held on Tuesday September 22, 2015, from 12:00 p.m. to 3:00 p.m. EDT. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

FOR FURTHER INFORMATION CONTACT: Jessica Snowden, Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 1315 East-West Highway, 2nd Floor, Silver Spring, MD 20910, Silver Spring, MD 20910; Phone 301–713–3070 x 141; Fax 301–713–3281; Email *Jessica.snowden@noaa.gov* or visit the U.S. IOOS Advisory Committee Web site at *http://www.ioos.noaa.gov/advisorycommittee.*

SUPPLEMENTARY INFORMATION: The IOOS Advisory Committee meeting will be held via webinar and teleconference. Members of the public who wish to participate in the meeting must register

PRC: Five-Year (''*Sunset*'') Review of Countervailing Duty Order,'' dated June 13, 2015 (''Domestic Producers' Response'').

[4] *See* Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, entitled ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Prestressed Concrete Steel Wire Strand from the People's Republic of China,'' dated concurrently with this notice.

in advance by September 18, 2015. Please register by contacting Jessica Snowden, Designated Federal Official at email: *Jessica.snowden@noaa.gov* or tel (301) 713–3070 x 141. Webinar and teleconference information will be provided to registrants prior to the meeting. While the meeting will be open to the public, webinar and teleconference capacity may be limited.

The Committee was established by the NOAA Administrator as directed by Section 12304 of the Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 and other appropriate matters as the Under Secretary refers to the Committee for review and advice.

The Committee will provide advice on:

(a) Administration, operation, management, and maintenance of the System;

(b) expansion and periodic modernization and upgrade of technology components of the System;

(c) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in dissemination information to end-user communities and to the general public; and

(d) any other purpose identified by the Under Secretary of Commerce for Oceans and Atmosphere or the Interagency Ocean Observation Committee.

The meeting will be open to public participation with a 15-minute public comment period on September 22, 2015, from 2:45 p.m. to 3:00 p.m. (check agenda on Web site to confirm time.) The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Official by September 15, 2015 to provide sufficient time for Committee review. Written comments received after September 15, 2015, will be distributed to the Committee, but may not be reviewed prior to the meeting date.

Matters To Be Considered: The meeting will focus on review of draft recommendations including ICOOS Act reauthorization, regional IOOS certification, and addressing the need for resilient communities. The agenda is subject to change. The latest version will be posted at *http://www.ioos.noaa.gov/advisorycommittee.*

Dated: August 28, 2015.

Zdenka Willis,

Director, U.S. Integrated Ocean Observing System Office.

[FR Doc. 2015–21976 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD560

Marine Mammals; File No. 18208

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Randy Sacco, Ph.D., Ruminant Diseases and Immunology Research Unit, National Animal Disease Center, 1920 Dayton Road, P.O. Box 70, Ames, IA 50010, to receive cell line specimens of Atlantic spotted (*Stenella frontalis*), Atlantic bottlenose (*Tursiops truncatus*), and common (*Delphinus delphis*) dolphin for scientific research purposes.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On October 28, 2014, notice was published in the **Federal Register** (70 FR 64174) that a request for a permit to receive cell line specimens from the species identified above for scientific research purposes had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes the applicant to receive cell lines from up to two Atlantic spotted, three Atlantic bottlenose, and three common dolphins to study mechanisms whereby respiratory pathogens alter dolphin anti-viral or cytokine/chemokine responses using a parainfluenza virus isolated from a bottlenose dolphin. The objective is to provide information on how influenza viruses affect dolphins and potentially induce disease. Cell lines will be obtained from the American Type Culture Collection or other permitted researchers authorized to maintain cell lines, and would be analyzed at the National Animal Disease Center in Ames, IA. The permit is valid for 5 years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: August 24, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–21961 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE159

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, Sept. 23, 2015, from 9 a.m. to 12 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar with a telephone-only connection option. Webinar and telephone-only connection details are available at: *http://www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive

Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The MAFMC's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (Committee) has initiated an evaluation of several current management measures for the summer flounder, scup, and black sea bass commercial fisheries (*e.g.,* minimum commercial fish sizes, minimum mesh sizes, seasonal possession limits triggering the minimum mesh sizes, other gear restrictions, and exemption programs). The Committee will meet via webinar to review initial analyses evaluating the effectiveness of the current regulations, identify additional work to be completed, and potentially begin development of recommendations to the MAFMC.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: September 1, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–21991 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE157

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Groundfish Plan Team will meet September 21, 2015 to September 24, 2015.

DATES: The meeting will be held on Monday, September 21, 2015 through Thursday, September 24, 2015, from 8 a.m. to 5 p.m., each day.

ADDRESSES: The meeting will be held at the Alaska Fishery Science Center Traynor Room 2076 and NMML Room 2039, 7600 Sand Point Way NE., Building 4, Seattle, WA 98115.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, September 21 to Thursday September 24, 2015

The agenda includes review of halibut discard mortality rates, upcoming assessment changes for Sablefish, EBS, AI and GOA Pacific cod, BSAI and GOA rockfish assessments, GOA Northern and southern rock sole, CIE review of BSAI Atka Mackerel, GOA pollock, review of a size structured octopus model and updates on the observer program, EBS bottom trawl survey, ecosystem considerations chapter, NMML report and Economic SAFE report. The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/*.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: September 1, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–21990 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE161

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice; public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Monitoring Committee will hold a public meeting to develop spiny dogfish management recommendations. The Council will also host a public information meeting to gather public perspectives on spiny dogfish management.

DATES: The meetings will be held on Tuesday, Sept. 22, 2015, from 9:30 a.m. to 12 p.m. for the Monitoring Committee and from 6 p.m. to 8 p.m. (on the same day) for the public information meeting. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Webinar connection details will be available at: *http://www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council's Spiny Dogfish Monitoring Committee will meet Tuesday, September 22, 2015 at 9:30 a.m. to develop 2016–18 spiny dogfish management measure recommendations based on the Acceptable Biological Catch (ABC) recommendations of the Council's Scientific and Statistical Committee (SSC). A summary of current management is available at: *http://www.greateratlantic.fisheries.noaa.gov/regs/infodocs/spinydogfactsheet.pdf.* At 6 p.m. on the same day, Council staff will hold a public information meeting to gather public perspectives on spiny dogfish management. The results of both meetings will be summarized for the Council when it meets in October 2015 to set spiny dogfish specifications and associated management measures. Contact Jason Didden at 302–526–5254 if you have questions about using a webinar to participate in a meeting.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: September 1, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–21993 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE160

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 23, 2015 at 9 a.m.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; phone: (978) 777–2500; fax: (978) 750–7959.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Habitat Committee will discuss future habitat-related management actions. These will include a possible clam exemption area framework, continuation of the Omnibus Deep-Sea Coral Amendment, and a general discussion of 2016 Council priorities related to habitat issues. The Committee may discuss other business as needed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 1, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–21992 Filed 9–3–15; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and a service previously furnished by such agencies.

DATES: Comments must be received on or before: 10/5/2015.

ADDRESSES: Committee for Purchase from People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):

4510–00–NIB–0045—Purell-Skilcraft ADX 1200 ml Dispenser Manual Pump
4510–00–NIB–0131—Purell Skilcraft LTX 1200 ml Dispenser Hands Free
8520–00–NIB–0134—Purell Instant Hand Sanitizer, Green-Certified, 8 oz. Bottle—Purell Instant 8520–00–NIB–0135—Hand Sanitizer, Green-Certified, 12 oz. Bottle
8520–00–NIB–0141—Instant Hand Sanitizer, Alcohol-Free, 535 ml Pump Bottle
8520–00–NIB–0142—Instant Hand Sanitizer, Alcohol-Free, 45 ml Pump Bottle
8520–00–NIB–0143—Instant Hand Sanitizer, Alcohol-Free, 1200 ml LTX Cartridge Refill
8520–00–NIB–0144—Instant Hand Sanitizer, Alcohol-Free, 1200 ml ADX Cartridge Refill

Mandatory Source of Supply: Austin Lighthouse, Austin, TX

Mandatory Purchase For: 100% of the requirement of the Department of Homeland Security

Contracting Activity: Department of Homeland Security, Office of Procurement Operations

Distribution: C-List

NSN(s)—Product Name(s): 8415–01–644–9620—Gaiter, Fire Resistant Environmental Ensemble (FREE), Army, Army Tan

Mandatory Source of Supply: NYSARC, Inc., Seneca-Cayuga Counties Chapter, Waterloo, NY

Mandatory Purchase For: 100% of the requirement of the U.S. Army

Contracting Activity: Dept of the Army, W6QK ACC–APG Natick

Distribution: C-List

Deletions

The following products and service are proposed for deletion from the Procurement List:

Products

USMC Sun Hats:

8415–01–485–6637—Woodland with Logo
8415–01–485–6713—Woodland with Logo
8415–01–485–6750—Woodland with Logo
8415–01–485–6755—Woodland with Logo
8415–01–485–6757—Woodland with Logo
8415–01–485–6760—Woodland with Logo
8415–01–485–6771—Woodland with Logo
8415–01–485–6777—Woodland with Logo
8415–01–485–8131—Desert with Logo
8415–01–485–8134—Desert with Logo
8415–01–485–8137—Desert with Logo
8415–01–485–8138—Desert with Logo
8415–01–485–8140—Desert with Logo
8415–01–485–8143—Desert with Logo
8415–01–485–8144—Desert with Logo
8415–01–485–8145—Desert with Logo
8415–00–NSH–1100—Desert without Logo
8415–00–NSH–1101—Desert without Logo
8415–00–NSH–1102—Desert without Logo
8415–00–NSH–1103—Desert without Logo
8415–00–NSH–1104—Desert without Logo
8415–00–NSH–1105—Desert without Logo
8415–00–NSH–1106—Desert without Logo
8415–00–NSH–1107—Desert without Logo
8415–00–NSH–1108—Desert without Logo
8415–00–NSH–1109—Desert without Logo
8415–00–NSH–1110—Desert without Logo

8415–00–NSH–1112—Desert without Logo
8415–00–NSH–1113—Desert without Logo
8415–00–NSH–1114—Desert without Logo
8415–00–NSH–1115—Woodland without Logo
8415–00–NSH–1116—Woodland without Logo
8415–00–NSH–1117—Woodland without Logo
8415–00–NSH–1118—Woodland without Logo
8415–00–NSH–1119—Woodland without Logo
8415–00–NSH–1120—Woodland without Logo
8415–00–NSH–1121—Woodland without Logo
8415–00–NSH–1122—Woodland without Logo
8415–00–NSH–1123—Woodland without Logo
8415–00–NSH–1124—Woodland without Logo
8415–00–NSH–1125—Woodland without Logo
8415–00–NSH–1126—Woodland without Logo
8415–00–NSH–1127—Woodland without Logo
8415–00–NSH–1128—Woodland without Logo

Mandatory Source of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY

Contracting Activity: W6QK ACC–APG Natick

Service

Service Type: Warehousing Service

Mandatory For: Barbers Point Naval Air Station Barbers Point, HI

Mandatory Source of Supply: Trace, Inc., Boise, ID

Contracting Activity: Defense Commissary Agency

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2015–22004 Filed 9–3–15; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by the nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agency.

DATES: Effective on 10/5/2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 8/4/2015 (80 FR 46250), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will furnish the products to the Government.

2. The action will result in authorizing a small entity to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

NSN(s)—Product Name(s):
MR 10681—Bib, Baby, Halloween
MR 10683—Socks, Halloween
MR 10684—Gloves, Halloween
MR 10685—Party Favors, Halloween, Spiders and Webs
MR 10686—Party Favors, Halloween, Witch's Fingers
MR 10687—Party Favors, Halloween, Nose and Glasses
MR 10688—Party Favors, Halloween, Fangs
MR 10689—Party Favors, Halloween, Mini Spiral Note Book
MR 10690—Party Favors, Halloween, Sticky Eyes

Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Mandatory Purchase For: Military commissaries and exchanges in accordance with the Code of Federal Regulations, Chapter 51, 51–6.4.

Contracting Activity: Defense Commissary Agency

Distribution: C-List

Deletions

On 8/4/2015 (80 FR 46250), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing a small entity to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
8440–00–205–2509—Belt, General Officers, Leather, Army, Black, 44
8440–00–205–2510—Belt, General Officers, Leather, Army, Black, 28
8440–00–205–2511—Belt, General Officers, Leather, Army, Black, 29
8440–00–205–2512—Belt, General Officers, Leather, Army, Black, 30
8440–00–205–2513—Belt, General Officers, Leather, Army, Black, 31
8440–00–205–2514—Belt, General Officers, Leather, Army, Black, 32
8440–00–205–2515—Belt, General Officers, Leather, Army, Black, 33
8440–00–205–2516—Belt, General Officers, Leather, Army, Black, 34
8440–00–205–2517—Belt, General Officers, Leather, Army, Black, 35
8440–00–205–2518—Belt, General Officers, Leather, Army, Black, 36
8440–00–205–2519—Belt, General Officers, Leather, Army, Black, 37

8440–00–205–2520—Belt, General Officers, Leather, Army, Black, 38
8440–00–205–2521—Belt, General Officers, Leather, Army, Black, 39
8440–00–205–2522—Belt, General Officers, Leather, Army, Black, 40
8440–00–205–2523—Belt, General Officers, Leather, Army, Black, 41
8440–00–205–2524—Belt, General Officers, Leather, Army, Black, 42
8440–00–205–2525—Belt, General Officers, Leather, Army, Black, 43

Mandatory Source of Supply: Stone Belt ARC, Inc., Bloomington, IN

Contracting Activity: Defense Logistics Agency Troop Support

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2015–22005 Filed 9–3–15; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2015–0037]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (CFPB) is requesting a new information collection titled, ''Web-Based Quantitative Testing of Point of Sale/ATM (POS/ATM) Overdraft Disclosure Forms.''

DATES: Written comments are encouraged and must be received on or before November 3, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Web-Based Quantitative Testing of Point of Sale/ATM (POS/ATM) Overdraft Disclosure Forms.

OMB Control Number: 3170–XXXX.

Type of Review: New Collection (Request for a new OMB control number).

Affected Public: Individuals or Households.

Estimated Number of Respondents: 41,351.

Estimated Total Annual Burden Hours: 2,827.

Abstract: The CFPB seeks approval from the Office of Management and Budget (''OMB'') to conduct a national web survey of 8,000 individuals as part of its study of ATM/debit card overdraft disclosure forms, which is being undertaken under the CFPB's regulatory authority for the Electronic Fund Transfer Act.

The survey will explore consumer comprehension and decision-making in response to revised overdraft disclosure forms. It will also explore financial product usage, behavioral traits, and other consumer characteristics that may interact with a consumer's experiences with overdraft programs and related disclosure forms. The survey will include a representative sample of the U.S. adult checking account-holding population, with oversampling of respondents who are more likely to have experience with overdraft fees.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CFPB, including whether the information will have practical utility; (b) The accuracy of the CFPB's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the 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. All comments will become a matter of public record.

Dated: August 25, 2015.

Linda F. Powell,

Chief Data Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2015–22003 Filed 9–3–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0089]

Proposed Collection; Comment Request

AGENCY: Pentagon Force Protection Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Pentagon Force Protection Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 3, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail*: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Pentagon Force Protection Agency Project Integration Directorate (PFPA\PID), 9000 Defense Pentagon, Washington, DC 20301–9000, ATTN: PID, or email at *PFPAHSPD-12@pfpa.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Privilege Management Program (PMP); DD Form 2249A and Pentagon Tours Web site; OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary to facilitate background investigations and properly assign privileges to the customer utilized within the Pentagon Reservation and National Capital Region (NCR). The collection is also required to facilitate verification of background investigations for individuals applying for access to the Pentagon in connection with Pentagon Visitor Tours.

The Visitor & Parking Management feature of the Privilege Management Program (PMP—Access Control System) utilizes DD Form 2249A as evidence that the customer has been properly vetted and provides justification for access to the locations needed to perform their occupational duties. The information collection requirement is necessary to facilitate background investigations and properly assign physical access and parking privileges to the customer utilized within the Pentagon Reservation.

The Electronic Security System of the PMP is related to the Pentagon Tours feature of the PMP whereby the information is provided by the individual requesting the tour and is entered directly into the PFPA Web site.

PMP Visitor and Parking Management—Access Control System (DD Form 2249a)

Affected Public: Individuals or Households.

Annual Burden Hours: 2,208.

Number of respondents: 26,500.

Responses per Respondent: 1.

Annual Responses: 26,500.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

PMP Electronic Security System: Pentagon Tours Web site

Affected Public: Individuals or Households.

Annual Burden Hours: 12,917.

Number of Respondents: 155,000.

Responses per Respondent: 1.

Annual Responses: 155,000.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

PMP Combined Burden Estimates

Annual Burden Hours: 15,125.

Number of Respondents: 181,500.

Responses per Respondent: 1.

Annual Responses: 181,500.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

Respondents are tenants and visitors who are provided identification badges, submit biometric attributes for collection, and/or have access privileges assigned. The PMP Access Control System is the authoritative system which integrates into American Magnetics System, AMAG, for the Pentagon, and SoftwareHouse C-Cure-9000 for the Mark Center and the Defense Health Headquarters.

The PMP Visitor Management & Parking Management Systems utilize the DD Form 2249A and records customer information to facilitate verification of background investigations for individuals applying for access and parking to DOD buildings in connection with their official duties. If DD Form 2249A is not completed by the customer at time of enrollment, the enrollment agent cannot issue credential(s). Having qualified agents provide credentialing and enrollment services is essential to maintaining daily operations and access rights to various installations throughout the NCR. The data are collected and stored in the PMP database at the time of enrollment.

Regarding the Pentagon tours Web site, respondents are visitors who wish to be conducted on a tour of the Pentagon. The Pentagon Visitor Tour Online Web site records customer information to facilitate verification of background investigations for individuals applying for access to Pentagon in connection with Pentagon Visitor Tours. If the online information is not presented by customers they will not be scheduled or allowed access into the Pentagon. The data are collected and stored in the PMP Electronic Security System Database at the time of tour scheduling.

Dated: September 1, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–22013 Filed 9–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0021]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: DISAM Information Technology Mission System (DISM); DISAM Form GSI–001 and Student Registration Form; OMB Control Number 0704–XXXX.

Type of Request: Existing Collection in use without an OMB Control Number.

Number of Respondents: 5024.

Responses per Respondent: 1.5.

Annual Responses: 7536.

Average Burden per Response: 15 Minutes (.25 Hours).

Annual Burden Hours: 1884 Hours.

Needs and Uses: The DISAM Information Technology Mission System (DISM) was established to hold several web applications for the purpose of better management of students through centralized maintenance of data including the support of the security cooperation community. DISM also allows for more effective management of personnel within DISAM. The types of information collected in DISM include Guest Speaker, Personnel, Student, and Travel data.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet

Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: September 1, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–22001 Filed 9–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Commission on the Future of the Army; Notice of Federal Advisory Committee Meeting

AGENCY: Deputy Chief Management Officer, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The DoD is publishing this notice to announce two days of meetings of the National Commission on the Future of the Army (''the Commission''). The meetings will be partially closed to the public.

DATES: Date of the Closed Meeting: Wednesday, September 16, 2015, from 1:00 p.m. to 4:30 p.m.

Date of the Open Meeting: Thursday, September 17, 2015, from 9:30 a.m. to 12:00 p.m.

ADDRESSES: Address of Closed Meeting, September 16, 2015: Rm. 12110, 5th Floor, Zachary Taylor Building, 2530 Crystal Dr., Arlington, VA 22202.

Address of Open Meeting, September 17, 2015: Polk Conference Room, Room 12158, James Polk Building, 2521 S. Clark St., Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Don Tison, Designated Federal Officer, National Commission on the Future of the Army, 700 Army Pentagon, Room 3E406, Washington, DC 20310–0700, Email: *dfo.public@ncfa.ncr.gov.* Desk (703) 692–9099. Facsimile (703) 697–8242.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the National Commission on the Future of the Army was unable to provide public notification of its meeting of September 16–17, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting will be held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of Meetings

During the closed meeting on Wednesday, September 16, 2015, the Commission will receive a classified interim report from the Aviation Subcommittee National Commission on the Future of the Army and engage in discussion on the preparation for the classified table top war game in October.

During the open meeting on Thursday, September 17, 2015, the Commission will hear subcommittee interim reports, engage in discussions on DoD's Role in State and National Crisis, the Public will have the opportunity to provide verbal comments, and immediately afterwards the Commission will discuss topics raised during the subcommittee, presentations and public comment session.

Agendas

September 16, 2015—Closed Hearing: The Commission will hear a classified subcommittee interim report from members of the aviation subcommittee discussing cost and sufficiency analysis of aviation restructuring initiative alternatives, the Commission Staff will provide a classified overview of preparation for the upcoming war game seminar where a scenario of the current war plans will be selected and applied to the war game's analytical framework. The warplan selected will undergo a classified force structure analysis. All presentations and resulting discussion are classified.

September 17, 2015—Open Hearing: The Commission will hear subcommittee interim reports, testimony from the National Governor's Association on the relationship between Governors and Defense during state crisis, testimony from the Federal Emergency Management Agency on DoD's support to civil authorities, and comments from members of the public. Immediately afterwards, the Commission will discuss topics raised during the subcommittee, presentations and public comment session.

Meeting Accessibility

In accordance with applicable law, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the portion of the meeting scheduled for Wednesday, September 16, 2015, from 1:00 p.m. to 4:30 p.m. will be closed to the public. Specifically, the Assistant Deputy Chief Management Officer, with the coordination of the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it will discuss matters covered by 5 U.S.C. 552b(c)(1).

Pursuant to 41 CFR 102–3.140 through 102–3.165 and the availability of space, the meeting scheduled for September 17, 2015 from 9:30 a.m. to 12:00 p.m. at the James Polk Building is open to the public. Seating is limited and pre-registration is strongly encouraged. Media representatives are also encouraged to register. Members of the media must comply with the rules of photography and video filming in the James Polk Building. The closest public parking facility is located in the basement and along the streets. Visitors will be required to present one form of photograph identification. Visitors to the James Polk Office Building will be screened by a magnetometer, and all items that are permitted inside the building will be screened by an x-ray device. Visitors should keep their belongings with them at all times. The following items are strictly prohibited in the James Polk Office Building: Any pointed object, *e.g.,* knitting needles and letter openers (pens and pencils are permitted); any bag larger than 18″ wide x 14″ high x 8.5″ deep; electric stun guns, martial arts weapons or devices; guns, replica guns, ammunition and fireworks; knives of any size; mace and pepper spray; razors and box cutters.

Written Comments

Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open and/or closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mr. Donald Tison, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All comments received before Tuesday, September 15, 2015, will be provided to the Commission before the September 17, 2015, meeting. Comments received after Tuesday, September 15, 2015, will be provided to the Commission before its next meeting. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section.

Oral Comments

In addition to written statements, fifteen minutes will be reserved for individuals or interest groups to address the Commission on September 17, 2015. Those interested in presenting oral comments to the Commission must summarize their oral statement in writing and submit with their registration. The Commission's staff will assign time to oral commenters at the meeting; no more than five minutes each for individuals. While requests to make an oral presentation to the Commission will be honored on a first come, first served basis, other opportunities for oral comments will be provided at future meetings.

Registration

Individuals and entities who wish to attend the public hearing and meeting on Thursday, September 17, 2015 are encouraged to register for the event with the DFO using the electronic mail and facsimile contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, day time phone number. This information will assist the Commission in contacting individuals should it decide to do so at a later date. If applicable, include written comments and a request to speak during the oral comment session. (Oral comment requests must be accompanied by a summary of your presentation.) Registrations and written comments should be typed.

Additional Information

The DoD sponsor for the Commission is the Deputy Chief Management Officer. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2016 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the Army will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources.

Dated: September 1, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–22062 Filed 9–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–195–000,

Applicants: RET Modesto Solar LLC,

Description: Application of RET Modesto Solar, LLC for Authorization Under Section 203 and Request for Expedited Consideration and Confidential Treatment.

Filed Date: 8/27/15,

Accession Number: 20150827–5337,

Comments Due: 5 p.m. ET 9/17/15,

Docket Numbers: EC15–196–000.

Applicants: Breckinridge Wind Project, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Breckinridge Wind Project, LLC.

Filed Date: 8/27/15.

Accession Number: 20150827–5353.

Comments Due: 5 p.m. ET 9/17/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2547–000.

Applicants: Florida Power & Light Company.

Description: Section 205(d) Rate Filing: FPL Revisions to FKEC Rate Schedule FERC No. 322 to be effective 1/1/2014.

Filed Date: 8/27/15.

Accession Number: 20150827–5281.

Comments Due: 5 p.m. ET 9/17/15.

Docket Numbers: ER15–2548–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA No. 3677, Queue No. V4–025 to be effective 8/12/2015.

Filed Date: 8/27/15.

Accession Number: 20150827–5300.

Comments Due: 5 p.m. ET 9/17/15.

Docket Numbers: ER15–2549–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of Original Service Agreement No. 3676, Queue No. V4–025 to be effective 8/12/2015.

Filed Date: 8/27/15.

Accession Number: 20150827–5302.

Comments Due: 5 p.m. ET 9/17/15.

Docket Numbers: ER15–2550–000.

Applicants: Rancho Cucamonga Municipal Utility.

Description: Petition of Rancho Cucamonga Municipal Utility for Limited Waiver of the California Independent System Operator Corporation's Tariff Provisions.

Filed Date: 8/27/15.

Accession Number: 20150827–5317.

Comments Due: 5 p.m. ET 9/17/15.

Docket Numbers: ER15–2551–000.

Applicants: Avista Corporation.

Description: Avista Corporation submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2016–2017.

Filed Date: 8/28/15.

Accession Number: 20150828–5069.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2552–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–08–28_SA 2794 ATC-City of Gladstone CFA to be effective 10/27/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5103.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2553–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–08–28_SA 2797 ATC-Lake Mills Light and Water CFA to be effective 10/27/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5105.
Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2554–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) Rate Filing: 2015–08–28_SA 2798 ATC-City of Menasha CFA to be effective 10/27/2015.
Filed Date: 8/28/15.
Accession Number: 20150828–5106.
Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2555–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) Rate Filing: 2015–08–28_SA 2799 ATC-City of New London CFA to be effective 10/27/2015.
Filed Date: 8/28/15.
Accession Number: 20150828–5107.
Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2556–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) Rate Filing: 2015–08–28_SA 2801 ATC-City of Sturgeon Bay CFA to be effective 10/27/2015.
Filed Date: 8/28/15.
Accession Number: 20150828–5108.
Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2557–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) Rate Filing: 2015–08–28_SA 2804 ATC-City of Richland Center CFA to be effective 10/27/2015.
Filed Date: 8/28/15.
Accession Number: 20150828–5110.
Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2558–000.
Applicants: Florida Power & Light Company.
Description: Section 205(d) Rate Filing: FPL Revisions to LCEC Rate Schedule FERC No. 317 to be effective 1/1/2014.
Filed Date: 8/28/15.
Accession Number: 20150828–5142.
Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2559–000.
Applicants: Arizona Public Service Company.
Description: Section 205(d) Rate Filing: Rate Schedule No. 217 Exhibit B Revisions to be effective 10/28/2015.
Filed Date: 8/28/15.
Accession Number: 20150828–5153.
Comments Due: 5 p.m. ET 9/18/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21981 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–95–000]

Delaware Public Service Commission, Maryland Public Service Commission v. PJM Interconnection, LLC, Certain Transmission Owners Designated Under Attachment A to the Consolidated Transmission Owners Agreement, Rate Schedule FERC No. 42: Notice of Complaint

Take notice that on August 28, 2015, pursuant to sections 206 of the Federal Power Act (FPA), 16 U.S.C. 824(e), and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Delaware Public Service Commission and Maryland Public Service Commission (Complainant) filed a formal complaint against PJM Interconnection, LLC (PJM) and Certain Transmission Owners Designated under Attachment A to the Consolidated Transmission Owners Agreement, Rate Schedule FERC No. 42 (Respondent) alleging that PJM tariff provisions requiring the use of a solution-based DFAX methodology to allocate the costs of the Artificial Island Project are unjust, unreasonable, and unduly discriminatory, in violation of the Federal Power Act, as more fully explained in the Complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 17, 2015.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21989 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–118–000.
Applicants: South Plains Wind Energy, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of South Plains Wind Energy, LLC.
Filed Date: 8/28/15.
Accession Number: 20150828–5212.
Comments Due: 5 p.m. ET 9/18/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–36–001.

Applicants: The Dayton Power and Light Company.

Description: Compliance filing: FERC Rate Schedule No. 304, Village of Mendon to be effective 1/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5184.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–37–001.

Applicants: The Dayton Power and Light Company.

Description: Compliance filing: FERC Rate Schedule No. 305, Village of Waynesfield to be effective 1/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5186.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–38–001.

Applicants: The Dayton Power and Light Company.

Description: Compliance filing: FERC Rate Schedule No. 306, Village of Yellow Springs to be effective 1/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5187.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–40–001.

Applicants: The Dayton Power and Light Company.

Description: Compliance filing: FERC Rate Schedule No. 301, Village of Arcanum to be effective 1/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5189.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–41–001.

Applicants: The Dayton Power and Light Company.

Description: Compliance filing: FERC Rate Schedule No. 302, Village of Eldorado to be effective 1/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5193.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2560–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: 2198R19 Kansas Power Pool NITSA NOA to be effective 8/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5181.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2561–000.

Applicants: DB Energy Trading LLC.

Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 10/27/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5211.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2562–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Revisions to OATT Schedule 12-Appdx A- RTEP approved by PJM Board in July 2015 to be effective 11/26/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5221.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15–2563–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Revisions to OATT Schedule 12-Appdx A–RTEP Artificial Island Projects July 2015 to be effective 11/26/2015.

Filed Date: 8/28/15.

Accession Number: 20150828–5243.

Comments Due: 5 p.m. ET 9/18/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21982 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–137–000]

Rockies Express Pipeline LLC; Notice of Availability of the Environmental Assessment for the Proposed Zone 3 Capacity Enhancement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Zone 3 Capacity Enhancement Project, proposed by Rockies Express Pipeline LLC (REX) in the above-referenced docket. REX requests authorization to construct and operate natural gas compression facilities in Fayette, Pickaway, Muskingum, and Warren Counties, Ohio and Decatur County, Indiana. The REX Zone 3 Capacity Enhancement Project would provide an additional 800 million cubic feet per day of east-to-west transportation service.

The EA assesses the potential environmental effects of the construction and operation of the Zone 3 Capacity Enhancement Project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed REX Zone 3 Capacity Enhancement Project includes the following facilities:

- One new 49,428 horsepower (hp) compressor station in Pickaway County, Ohio (Columbus Compressor Station);
- one new 31,791 hp compressor station in Fayette County, Ohio (Washington Court House Compressor Station);
- one new 37,038 hp compressor station in Decatur County, Indiana (St. Paul Compressor Station);
- an additional 38,400 hp of compression, gas cooling facilities, and a new power and control building at the existing Chandlersville Compressor Station in Muskingum County, Ohio; and
- gas cooling facilities and a new power and control building at the existing Hamilton Compressor Station in Warren County, Ohio.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your

comments in Washington, DC on or before September 30, 2015.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP15–137–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP15–137). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: August 31, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21988 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14655–000]

Cat Creek Energy, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 12, 2014, Cat Creek Energy, LLC (Cat Creek) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Cat Creek Energy Generation Facility Pumped Storage Hydroelectric Project (Cat Creek project). The project would be located at the US Bureau of Reclamation's (Reclamation) Anderson Ranch reservoir [1] on the South Fork of the Boise River near Mountain Home in Elmore County, Idaho.

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.

On December 19, 2014, the Commission asked Reclamation to confirm that non-federal development is authorized at the Anderson Ranch site. On January 30, 2015, Reclamation responded stating that it retains jurisdiction over hydropower development at the Anderson Ranch dam, reservoir, and powerhouse, which are part of Reclamation's Boise Project. On June 8, 2015, the Commission responded and agreed with Reclamation's jurisdictional decision over hydropower development at the Boise Project's Anderson Ranch dam, powerhouse, and reservoir. However, the Commission would retain jurisdiction for hydropower facilities that would be located outside of Reclamation's development. Thus, an entity seeking to build a hydropower project that would use Reclamation's Boise Project facilities would need to obtain a lease of power privilege from Reclamation, but it also would need to obtain a license from the Commission for those facilities of the hydropower project that are not under Reclamation's jurisdiction.

On August 21, 2015, Cat Creek filed minor revisions to the original Cat Creek project permit application. The revised Cat Creek project would use the existing Anderson Ranch reservoir, and would consist of the following new facilities: (1) A 3.4-mile-long, 80-foot-high earthen dam; (2) a 38,000-acre-foot impoundment as an upper reservoir; (3) two, 5,600-foot-long, 22-foot-diameter steel penstocks; (4) two, 100-foot-diameter concrete silos; (5) two, 200-megawatt vertical Francis turbines/generators; (6) an 8.0-mile-long, 230-kilovolt transmission line interconnecting with the existing Bonneville Power Administration Dixie Substation; (7) an approximately 3.6-mile-long access road; and (8) appurtenant facilities. The estimated annual generation of the Cat Creek project would be 1,401.6 gigawatt-hours.

Applicant Contact for the Cat Creek project: Nicholas Josten, Cat Creek Energy, LLC, 1989 South 1875 East, Gooding, ID 83330; phone: (208) 954–5090.

FERC Contact: Karen Sughrue; phone: (202) 502–8556.

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.

[1] On November 24, 2014, Owyhee Hydro, LLC also filed a preliminary permit to use the Anderson Ranch reservoir as a lower reservoir for the Anderson Ranch Pumped Storage Hydroelectric Project (P–14648), and thus may be competing for the same water resource.

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–14655–000.

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–14655) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21985 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14681–000]

Peterson Machinery Sales; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On June 3, 2015, Peterson Machinery Sales filed an application for a preliminary permit under section 4(f) of the Federal Power Act proposing to study the feasibility of the proposed Boardman River Hydro-Electric Project No. 14681–000, to be located on the Boardman River near Traverse City, Grand Traverse County, Michigan. 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 consists of the Boardman Dam Development located at River Mile 6.1 and the Sabin Dam Development located at River Mile 5.3. The Boardman Dam Development would consist of: (1) A 103-acre Boardman Pond; (2) a 650-foot-long west earth-filled abutment, a 20-foot-wide emergency spillway, a 40-foot-long intake structure containing twin 10-foot-diameter by 73-foot-long steel penstocks leading to the powerhouse, and an approximately 150-foot-long earth-filled east abutment; (3) a 70-foot-long, 20-foot-wide reinforced concrete powerhouse containing a 1,000 kilowatt turbine-generator; and (4) appurtenant facilities.

The Sabin Dam Development would consist of: (1) A 40-acre Sabin Pond; (2) a 60-foot-long earth west embankment, a 70-foot-long by 20-foot-wide reinforced concrete powerhouse integral with the dam containing a 500 kilowatt turbine-generator, a 52-foot-long intermediate earth embankment, a 32-foot-long stop wide spillway section, an 18-foot wide tainter gate spillway section, and a 330-foot-long earth east embankment; and (3) appurtenant facilities. The project would generate an estimated 7,600 megawatt hours annually.

Applicant Contact: Charles R. Peterson, 9627 Seth Road, Northport, MI 49670; phone: 231–649–8706.

FERC Contact: Sergiu Serban, (202) 502–6211.

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–14681–000.

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–14681) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21986 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14648–000]

Owyhee Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 24, 2014, Owyhee Hydro, LLC (Owyhee Hydro) filed an application for preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Anderson Ranch Pumped Storage Hydroelectric Project (Anderson Ranch project). The project would be located at the U.S. Bureau of Reclamation's (Reclamation) Anderson Ranch dam and reservoir [1] on the South Fork of the Boise River near Mountain Home in Elmore County, Idaho.

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.

On December 4, 2014, the Commission asked Reclamation to confirm that non-federal development is authorized at the Anderson Ranch site. On January 30, 2015, Reclamation responded stating that it retains jurisdiction over hydropower development at the Anderson Ranch dam, reservoir, and powerhouse, which are part of Reclamation's Boise Project. On June 8, 2015, the Commission

[1] On December 12, 2014, Cat Creek Energy, LLC also filed for a preliminary permit to use the Anderson Ranch reservoir as a lower reservoir for the Cat Creek Energy Generation Facility Pumped Storage Hydroelectric Project (P–14655), and thus may be competing for the same water resource.

responded and agreed with Reclamation's jurisdictional decision over hydropower development at the Boise Project's Anderson Ranch dam, powerhouse, and reservoir. However, the Commission would retain jurisdiction for hydropower facilities that would be located outside of Reclamation's development. Thus, an entity seeking to build a hydropower project that would use Reclamation's Boise Project facilities would need to obtain a lease of power privilege from Reclamation, but it also would need to obtain a license from the Commission for those facilities of the hydropower project that are not under Reclamation's jurisdiction.

On July 27, 2015, Owyhee Hydro filed a revised application providing an additional alternative to the proposed Anderson Ranch project. The revised Anderson Ranch project has three alternatives: Alternatives A, B, and C. Alternatives A and B would use the existing Anderson Ranch dam, reservoir, powerhouse, tailrace, and transmission lines, and would consist of the following new facilities: (1) A 1,060-foot-long, 65-foot-high zoned earth or concrete faced rockfill dam; (2) a 900-acre-foot impoundment as an upper reservoir; (3) a 4,180-foot-long, 9.1-foot-diameter single steel penstock (6.5-foot-diameter if twin conduit); (4) a single 80-megawatt (MW) reversible pump turbine/generator to be located within the third bay of the existing powerhouse; and (5) appurtenant facilities. Alternative C would use the existing Anderson Ranch dam, reservoir, and powerhouse, and would consist of the same new facilities as in Alternatives A and B except it would have: (1) A 4,180-foot-long, 9.1-foot-diameter single steel penstock (6.5-foot-diameter if twin conduit) and a 3,440-foot-long, 9.1-foot-diameter single steel penstock (6.5-foot-diameter if twin conduit); (2) a 250-foot-long, 90-foot-wide concrete powerhouse located adjacent to the existing Anderson Ranch reservoir; (3) a single 80–MW Pelton turbine/generator; and (4) a 3,400-foot-long, 69 or 115-kilovolt transmission line interconnecting with the existing Bonneville Power Administration Dixie Substation. The estimated annual generation for the Anderson Ranch project would be 175.2 gigawatt-hours.

Applicant Contact for the Anderson Ranch project: Mr. Matthew Shapiro, Owyhee Hydro, LLC, 1210 W. Franklin St., Ste. 2, Boise, ID 83702; phone: (208) 246–9925.

FERC Contact: Karen Sughrue; phone: (202) 502–8556.

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–14648–000.

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–14648) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21984 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–0–1P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14690–000]

Blue River Hydro Power, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On July 1, 2015, Blue River Hydro Power, 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 Blue River Hydroelectric Project (Blue River Project or project) to be located at Blue River Dam near the Town of Blue River in Lane County, Oregon. 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 utilize flows at the existing Blue River Dam, and would consist of the following new features: (1) A 12-foot-diameter, 500-foot-long steel liner pipe installed in the downstream portion of the existing dam outlet tunnel, (2) a gatehouse containing two 7-foot-wide, 8-foot-high steel slidegates to regulate pipe pressure and release excess water, (3) a 9-foot- to 12-foot-diameter, 600-foot-long steel penstock, (4) a 70-foot-wide, 55-foot-long reinforced concrete powerhouse, (5) two 10 megawatt vertical-shaft Francis turbine/generators, (6) an approximately 40-foot-wide, 40-foot-long concrete tailrace returning flows to the Blue River, (7) a switchyard and a 2.5-mile-long, 12.5-kilovolt buried transmission line interconnecting with Lane Electric Cooperative's existing Blue River substation, and (8) appurtenant facilities. The estimated annual generation of the Blue River Project would be 50 gigawatt-hours.

Applicant Contact: Mr. Rett Hubbard, Blue River Hydro Power, LLC, 285 East Oregon Avenue, Suite 7, Creswell, Oregon 97426; phone: (541) 632–4706.

FERC Contact: Sean O'Neill; phone: (202) 502–6462.

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–14690–000.

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–14690) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21987 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–96–000]

Backyard Farms Energy LLC, Devonshire Energy LLC: Notice of Petition for Declaratory Order

Take notice that on August 27, 2015, in accordance with section 35.42(a)(2) of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR 35.42(a)(2), Order No. 652,[1] and Order No. 697,[2] Backyard Farms Energy LLC and Devonshire Energy LLC (MBR Entities), filed a petition for declaratory order requesting that the Commission find that the MBR Entities are not affiliates of or under ''common control'' with the Fidelity Accounts or FIL Limited (FIL), or, in the alternative, that even if such an affiliation is deemed to exist, investments by the Fidelity Accounts or FIL would not affect the conditions relied upon by the Commission when granting market-based rate authorization to the extent such investments are passive investments, as more fully described in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 28, 2015.

Dated: August 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–21983 Filed 9–3–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *Reporting Requirement for Changes in Status for Public Utilities With Market-Based Rate Authority,* Order No. 652, 70 FR 8253 (Feb. 18, 2005), *reh'g,* 111 FERC ¶ 61,413 (2005).

[2] *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities,* Order No. 697, 72 FR 39904 (July 20, 2007), *clarified,* 72 FR 72239 (Dec. 20, 2007), *reh'g,* Order No. 697–A, 73 FR 25832 (May 7, 2008) (''Order No. 697–A''), *reh'g,* 124 FERC ¶ 61,055 (2008), *reh'g,* Order No. 697–B, 73 FR 79610 (Dec. 30, 2008), *reh'g,* Order No. 697–C, 74 FR 30924 (June 29, 2009), *reh'g,* Order No. 697–D, 57 FR 14342 (March 25, 2010), *clarified* 131 FERC ¶ 61,021 (2010), *reh'g denied,* 134 FERC ¶ 61,046 (2011), *reh'g denied,* 143 FERC ¶ 61,126 (2013).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9933–59–Region 5]

Proposed Prospective Purchaser Agreement for the Delco Chassis Industrial Land I & II Site in Livonia, Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Prospective Purchaser Agreement, notice is hereby given of a proposed administrative settlement concerning a portion of the Delco Chassis Industrial Land I & II Site in Livonia, Michigan with the following settling party: Livonia West Commerce Center, LLC. The settlement requires the Settling Party to provide access to the Property, exercise due care with respect to existing contamination, and, if necessary, execute and record a Declaration of Restrictive Covenant. The settlement includes a covenant not to sue the Settling Party pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act with respect to the Existing Contamination. Existing Contamination is defined as any hazardous substances, pollutants, or contaminants or Waste Material present or existing on or under the Property as of the Effective Date of the Settlement Agreement; any hazardous substances, pollutants, or contaminants or Waste Material that migrated from the Property prior to the Effective Date of the Settlement Agreement; and any hazardous substances, pollutants, or contaminants or Waste Material presently at the Site that migrates onto, on, under, or from the Property after the Effective Date of the Settlement Agreement.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region 5, Records Center, 77 W. Jackson Blvd., 7th Fl., Chicago, Illinois 60604.

DATES: Comments must be submitted on or before October 5, 2015.

ADDRESSES: The proposed settlement is available for public inspection at the EPA, Region 5, Records Center, 77 W. Jackson Blvd., 7th Fl., Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Peter Felitti, Assoc. Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 W. Jackson Blvd., Mail Code: C–14J, Chicago, Illinois 60604. Comments should reference the Delco Chassis Industrial Land I & II Site, Livonia, Michigan and EPA Docket No. V–W–15–C–024 and should be addressed to Peter Felitti, Assoc. Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 W. Jackson Blvd., Mail Code: C–14J, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Peter Felitti, Assoc. Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 W. Jackson Blvd., Mail Code: C–14J, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: The Settling Party proposes to acquire ownership of a portion of the former

General Motors Corporation North American operation, at 12950 and 13000 Eckles Road, Livonia, Michigan. The EPA identification number for the RCRA corrective action responsibilities at the Delco Chassis Industrial Land I & II Site is # MID005356621. The Site is one of the 89 sites that were placed into an Environmental Response Trust (the ''Trust'') as a result of the resolution of the 2009 GM bankruptcy. The Trust is administrated by Revitalizing Auto Communities Environmental Response.

Dated: August 17, 2015.

Samuel Borries,

Acting Director, Superfund Division.

[FR Doc. 2015–22029 Filed 9–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9022–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs).

Filed 08/24/2015 Through 08/28/2015. Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20150245, Third Draft Supplemental, BOEM, TX, Gulf of Mexico OCS Oil and Gas Lease Sale 248, Comment Period Ends: 10/19/2015, Contact: Michelle Nannen 504–731–6682.

EIS No. 20150246, Final, FHWA, IA, Eastern Hills Drive and Connecting Roadways, Review Period Ends: 10/05/2015, Contact: Michael La Pietra 515–233–7302.

EIS No. 20150247, Final, USN, CA, LEGISLATIVE—Renewal of Naval Air Weapons Station China Lake Public Land Withdrawal, Review Period Ends: 10/05/2015, Contact: Teresa Bresler 619–532–4452.

EIS No. 20150248, Draft, USAF, AK, United States Air Force F–35A Operational Beddown—Pacific, Comment Period Ends: 10/19/2015, Contact: Toni Ristau 907–377–2116.

EIS No. 20150249, Final Supplement, BOEM, LA, Gulf of Mexico OCS Oil and Gas Lease Sales: 2016 and 2017, Central Planning Area Lease Sales 241 and 247, Eastern Planning Area Lease Sale 226, Review Period Ends: 10/05/2015, Contact: Gary D. Goeke 504–736–3233.

EIS No. 20150250, Draft, USFS, WV, 2016–2020 Fernow Experimental Forest, Comment Period Ends: 10/19/2015, Contact: Thomas M. Schuler 304–478–2000.

EIS No. 20150251, Draft, NOAA, USFWS, MI, PROGRAMMATIC—Restoration Resulting from the Kalamazoo River Natural Resource Damage Assessment, Comment Period Ends: 10/19/2015, Contact: Julie Sims 734–741–2385. The U.S. Department of the Interior's Fish and Wildlife Service and the U.S. Department of Commerce's National Oceanic and Atmospheric Administration are joint lead agencies for the above project.

EIS No. 20150252, Final, USFWS, CO, Rocky Mountain Arsenal National Wildlife Refuge, Review Period Ends: 10/05/2015, Contact: Bernardo Garza 303–236–4377.

Amended Notices

EIS No. 20150177, Draft, NHTSA, REG, Phase 2 Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, Comment Period Ends: 10/01/2015, Contact: James MacIsaac 202–366–9108 Revision to the FR Notice Published 06/26/2015; Extending the Comment Period from 08/31/2015 to 10/01/2015.

Dated: September 1, 2015.

Karin Leff,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015–22019 Filed 9–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9927–86–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Hawaii's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective September 4, 2015.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On July 23, 2015, the Hawaii Department of Health (HI DOH) submitted an application titled ''State & Local Emissions Inventory'' for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed HI DOH's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Hawaii's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 51, and 70 is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans; and

Part 70—State Operating Permit Programs.

HI DOH was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Collection.

[FR Doc. 2015–22064 Filed 9–3–15; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

Dates and Time: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 10, 2015, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- August 13, 2015

B. New Business

- Fall 2015 Abstract of the Unified Agenda of Federal Regulatory and Deregulatory Actions and Fall 2015 Regulatory Projects Plan
- Quarterly Report on Economic Conditions and FCS Conditions

Closed Session*

- Office of Examination Quarterly Report

Dated: September 1, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2015–22548 Filed 9–2–15; 4:15 pm]

BILLING CODE 6705–01–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 September 22, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Rodney L. Duroe, Jesup, Iowa, individually, and acting in concert with the Duroe Family Control Group consisting of Albert C. Duroe, Suzanne C. Duroe, Danielle M. Trumbauer, Jason P. Trumbauer, and other minor grandchildren, all of Jesup, Iowa; the William B. Dohrmann Revocable Trust and the Susan J. Dohrmann Revocable Trust, with William B. Dohrmann and Susan J. Dohrmann as co-trustees of both trusts, all of Fayette, Iowa; Linda Ellis and William Ellis,* both of Newport Beach, California; to retain voting shares of FSB Financial Services Inc., and thereby indirectly acquire voting shares of Farmers State Bank, Waterloo, Iowa.

B. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *The Carl R. Landrum Trust A (Douglas B. Moore acting for Landmark Bank, National Association, Yulia Guseva, and Brenda L. Bingham, trustees); the Carl R. Landrum Trust B (Douglas B. Moore acting for Landmark Bank, National Association, Yulia Guseva, and Brenda L. Bingham, trustees); the Carl R. Landrum Trust, f/b/o John Bennett Landrum (Douglas B. Moore acting for Landmark Bank, National Association, John B. Landrum, and Brenda L. Bingham, trustees); the Carl R. Landrum Trust, f/b/o Jennifer Ruth Landrum (Douglas B. Moore acting for Landmark Bank, National Association, Jennifer R. Landrum, and Brenda L. Bingham, trustees); the Carl R. Landrum Trust, f/b/o Lara Jean Landrum (Douglas B. Moore acting for Landmark Bank, National Association, Lara J. Landrum, and Brenda L. Bingham, trustees); the Marquis C. Landrum Marital Trust (Douglas B. Moore acting for Landmark Bank, National Association, Yulia Guseva, and Brenda L. Bingham, trustees); the Marquis C. Landrum GSST Exempt Marital Trust (Douglas B. Moore acting for Landmark Bank, National Association, Yulia Guseva, and Brenda L. Bingham, trustees); the Marquis C. Landrum Residual Trust (Douglas B. Moore acting for Landmark Bank, National Association, Yulia Guseva, and Brenda L. Bingham, trustees); The Landrum Company ESOP (Douglas B. Moore acting for Landmark Bank, National Association, trustee); and The Landrum Company Combined Benefits Plan (Douglas B. Moore acting for Landmark Bank, National Association, trustee);* all as members of The Landrum Control Group, all of Columbia, Missouri; to acquire voting shares of Landrum Company, and thereby indirectly acquire voting shares of Landmark Bank, N.A., both in Columbia, Missouri.

C. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Ann Groff, Victor, Montana, and Kay Clevidence Stevensville, Montana, individually, and Ryan Clevidence, and Sara Clevidence,* both of Lolo, Montana, to retroactively join the Groff-Clevidence Family Control Group; to retain voting shares of Farmers State Financial Corporation, and thereby indirectly retain voting shares of Farmers State Bank, both in Victor, Montana.

* Session Closed—Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

D. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Douglas Wayne Schmitt and Amber Marie Schmitt, both of Round Rock, Texas; DeAne Marie Blakley, Vancouver, Washington; Cheryl Ann Cornett, Hillsboro, Oregon; and Gary Gaye Schmitt,* Vancouver, Washington; to acquire additional voting shares of Washington Bancorp, Inc., and thereby indirectly acquire additional voting shares of Bank of Washington, both in Lynnwood, Washington.

Board of Governors of the Federal Reserve System, September 1, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–21972 Filed 9–3–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 2, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Farmers Exchange Bancorporation, Inc.,* Cherokee, Oklahoma; to acquire 100 percent of the voting shares of The First National Bank of Nash, Nash, Oklahoma.

Board of Governors of the Federal Reserve System, September 1, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–21971 Filed 9–3–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Amended; Notice of Meeting; September 10, 2015; 8:30 a.m.; In-Person Meeting

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Closed Session 8:30 a.m.—10:00 a.m.

1. Procurement
2. Security

Open Session 10:00 a.m.—11:30 a.m.

3. Approval of the Minutes for the August 24, 2015 Board Member Meeting
4. Monthly Reports
   (a) Monthly Participant Activity Report
   (b) Monthly Investment Report
   (c) Legislative Report
5. Auto Escalation
6. OCE Communication
7. FY 16 Budget Review and Approval
8. Audit Report
9. OERM Report

Closed Session 11:30 a.m.—12:00 p.m.

1. Procurement

Adjourn

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: August 27, 2015.

James Petrick,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2015–22070 Filed 9–2–15; 11:15 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–643 and CMS–10575]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *October 5, 2015.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number,

and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Hospice Survey and Deficiencies Report Form and Supporting Regulations; *Use:* We use the information collected as the basis for certification decisions for hospices that wish to obtain or retain participation in the Medicare and Medicaid programs. The information is used by CMS regional offices, which have the delegated authority to certify Medicare facilities for participation, and by State Medicaid agencies, which have comparable authority under Medicaid. The information on the Hospice Survey and Deficiencies Report Form is coded for entry into the OSCAR system. The data is analyzed by the CMS regional offices and by the CMS central office components for program evaluation and monitoring purposes. The information is also available to the public upon request. *Form Number:* CMS–643 (OMB control number: 0938–0379); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 3,976; *Total Annual Responses:* 1,325; *Total Annual Hours:* 1,325. (For policy questions regarding this collection contact Annette Snyder at 410–786–0807.)

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Generic Clearance for the Heath Care Payment Learning and Action Network; *Use:* The Center for Medicare and Medicaid Services (CMS), through the Center for Medicare and Medicaid Innovation, develops and tests innovative new payment and service delivery models in accordance with the requirements of section 1115A and in consideration of the opportunities and factors set forth in section 1115A(b)(2) of the Act. To date, CMS has built a portfolio of 26 models (in operation or already announced) that have attracted participation from a broad array of health care providers, states, payers, and other stakeholders. During the development of models, CMS builds on ideas received from stakeholders—consulting with clinical and analytical experts, as well as with representatives of relevant federal and state agencies.

On January 26, 2015, Secretary Burwell announced the ambitious goal to have 30% of Medicare Fee-For-Service payments tied to alternative payment models (such as Pioneer ACOs or bundled payment arrangements) by the end of 2016, and 50% of payments by the end of 2018. To reach this goal, CMS will continue to partner with stakeholders across the health care system to catalyze transformation through the use of alternative payment models. To this end, CMS launched the Health Care Payment Learning and Action Network, an effort to accelerate the transition to alternative payment models, identify best practices in their implementation, collaborate with payers, providers, consumers, purchasers, and other stakeholders, and monitor the adoption of value-based alternative payment models across the health care system. A system wide transition to alternative payment models will strengthen the ability of CMS to implement existing models and design new models that improve quality and decrease costs for CMS beneficiaries.

The information collected from LAN participants will be used by the CMS Innovation Center to potentially inform the design, selection, testing, modification, and expansion of innovative payment and service delivery models in accordance with the requirements of section 1115A, while monitoring progress towards the Secretary's goal to increase the percentage of payments tied to alternative payment models across the U.S. health care system. In addition, the requested information will be made publically available so that LAN participants (payers, providers, consumers, employers, state agencies, and patients) can use the information to inform decision making and better understand market dynamics in relation to alternative payment models. *Form Number:* CMS–10575 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Individuals; Private Sector (Business or other For-profit and Not-for-profit institutions), State, Local and Tribal Governments; *Number of Respondents:* 9,570; *Total Annual Responses:* 20,280; *Total Annual Hours:* 49,432. (For policy questions regarding this collection contact Dustin Allison at 410–786–8830.)

Dated: September 1, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–22020 Filed 9–3–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–1728–94 and CMS–2567]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

DATES: Comments must be received by *November 3, 2015.*

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10387 Skilled Nursing Facility (SNF) Prospective Payment System and Consolidated Billing

CMS–2567 Statement of Deficiencies and Plan of Correction and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Home Health Agency Cost Report; *Use:* Providers of Services participating in the Medicare program are required under sections 1815(a), 1833(e) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The Form CMS–1728–94 cost report is needed to determine a provider's reasonable cost incurred in furnishing medical services to Medicare beneficiaries and reimbursement due to or from a provider. *Form Number:* CMS–1728–94 (OMB control number: 0938–0022); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 11,352; *Total Annual Responses:* 11,352; *Total Annual Hours:* 2,576,904. (For policy questions regarding this collection contact Angela DiGorgio at 410–786–4516.)

2. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Statement of Deficiencies and Plan of Correction Supporting Regulations; *Use:* Section 1864(a) of the Social Security Act requires that the Secretary use state survey agencies to conduct surveys to determine whether health care facilities meet Medicare and Clinical Laboratory Improvement Amendments participation requirements. The Form CMS–2567 is the means by which the survey findings are documented. This section of the law further requires that compliance findings resulting from these surveys be made available to the public within 90 days of such surveys. The Form CMS–2567 is the vehicle for this disclosure. The form is also used by health care facilities to document their plan of correction and by CMS, the states, facilities, purchasers, consumers, advocacy groups, and the public as a source of information about quality of care and facility compliance. The regulations at 42 CFR 488.18 require that state survey agencies document all deficiency findings on a statement of deficiencies and plan of correction, which is the CMS–2567. Sections 488.26 and 488.28 further delineate how compliance findings must be recorded and that CMS prescribed forms must be used. *Form Number:* CMS–2567 (OMB Control Number: 0938–0391); *Frequency:* Yearly and occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 64,500; *Total Annual Responses:* 64,500; *Total Annual Hours:* 128,083. (For policy questions regarding this collection contact Sharon Lash at 410–786–9457.)

Dated: September 1, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–22033 Filed 9–3–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Assets for Independence (AFI) Program Evaluation.

OMB No.: 0970–0414.

Description: The U.S. Department of Health and Human Services, Administration for Children and Families (ACF) is proposing a data collection activity as part of an experimental evaluation of the Assets for Independence (AFI) Program. The purpose of this study is to assess the impact of participation in AFI-funded individual development account (IDA) projects on the savings, asset purchases, and economic well-being of low-income individuals and families. While some evaluations suggest that IDAs help low-income families save, rigorous experimental research is limited. Few studies have focused on AFI-funded IDAs, and few have tested alternative design features. The Assets for Independence Evaluation is the first experimental evaluation of IDA projects operating under the Assets for

Independence Act, and will contribute importantly to understanding the effects of IDA project participation on project participants. The evaluation was launched in fall 2011 in two sites, with the random assignment of AFI-eligible cases to program and control groups. OMB approved three data collection efforts related to this project in October 2012, including approval of a baseline survey, 12-month follow-up survey, and implementation study protocols.

This **Federal Register** Notice provides the opportunity to comment on a proposed new information collection activity: The AFI Evaluation second follow-up survey (at 36 months post-random assignment) of both treatment and control group members. The content of this survey is the same as the content approved for the 12-month follow-up. The purpose of the AFI Evaluation 36-month follow-up survey is to follow-up with study participants to document their intermediate savings and savings patterns, asset purchases, and other economic outcomes. The evaluation consists of both an impact study and an implementation study. Data collection activities will span a three-year period. Data collection activities to submit in a future information collection request include a third follow-up survey for AFI Evaluation study participants approximately 60 months after study enrollment.

Respondents: Individuals enrolled in AFI programs, individuals who have left AFI programs, and control group members.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Follow-Up Survey: AFI-eligible participants	814	271	1	1	271

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

ACF Reports Clearance Officer.

[FR Doc. 2015–22014 Filed 9–3–15; 8:45 am]

BILLING CODE 4184–26–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Health Resources and Services Administration

Notice of Meeting: Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting Program Evaluation

ACTION: Notice of meeting: Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting Program Evaluation (MIECHVPE).

Authority: Section 511(g)(1) of the Social Security Act (42 U.S.C. 711(g)) and Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Name: Advisory Committee on the Maternal, Infant, and Early Childhood Home Visiting Program Evaluation.

Date and Time: Monday, September 21, 2015, 11 a.m.–6 p.m. EST.

Place: Webinar.

The Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting Program Evaluation (Committee) will meet for its fifth session on Monday, September 21, 2015, 11 a.m.–6 p.m. ET. The purpose of the meeting is to allow the Committee to comment on the analysis plan of the MIHOPE project. The general public (''attendees'') can join the meeting via webinar by logging onto *https://attendee.gotowebinar.com/register/8910471186935462146,* and then follow the instructions for registering. Attendees should launch the webinar no later than 10:45 a.m. ET in order for the logistics to be established for participation in the call. If there are technical problems gaining access to the call or webinar, please call 888–569–3848 or press *0, and for GoToWebinar technical support call 800–263–6317.

Meeting Registration: Attendees are asked to register for the conference by going to the registration Web site at *https://attendee.gotowebinar.com/register/8910471186935462146.*

Special Accommodations: Attendees with special needs requiring accommodations such as large print materials or other accommodations may make requests when registering at the online Web site by answering the ''Special accommodations'' question on the registration page: *https://attendee.gotowebinar.com/register/8910471186935462146.*

Agenda: The meeting will include updates on the progress of the evaluation and will present the evaluation's impact, implementation, impact variation, and cost data analysis plans. Agenda items are subject to change as priorities dictate.

Public Comments: Members of the public may submit written comments that will be distributed to Committee members prior to the meeting. Written comments must be received by Monday, September 14, 2015 for consideration. Comments can be submitted to Nancy Margie at *Nancy.Margie@acf.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Any person interested in obtaining other information relevant to joining the webinar can contact Carolyn Swaney at *Carolyn.Swaney@icfi.com.*

SUPPLEMENTARY INFORMATION: The Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting (MIECHV) Program Evaluation

is authorized by subsection 511(g)(1) of Title V of the Social Security Act (42 U.S.C. 711(g)(1)) as added by section 2951 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148) (Affordable Care Act) and amended by Public Law 114–10 (Medicare Access and CHIP Reauthorization Act of 2015), Section 218.

The purpose of the Committee is to review, and make recommendations on, the design and plan for the evaluation required under paragraph 511(g)(2); maintain and advise the Secretary regarding the progress of the evaluation; and comment, if the Committee so desires, on the report submitted to Congress under subsection 511(g)(3).

The Department of Health and Human Services has contracted with MDRC (formerly known as Manpower Demonstration Research Corporation), a nonprofit, nonpartisan education and social policy research organization, to conduct the evaluation of the MIECHV program.

As specified in the legislation, the evaluation provided a state-by-state analysis of the needs assessments and the States' actions in response to the assessments. Additionally, as specified in the legislation, the evaluation will provide an assessment of: (a) The effect of early childhood home visiting programs on outcomes for parents, children, and communities with respect to domains specified in the authorizing legislation (such as maternal and child health status, school readiness, and domestic violence, among others); (b) the effectiveness of such programs on different populations, including the extent to which the ability to improve participant outcomes varies across programs and populations; and (c) the potential for the activities conducted under such programs, if scaled broadly, to enhance health care practices, eliminate health disparities, improve health care system quality, and reduce costs.

Naomi Goldstein,

Director, Office of Planning, Research, and Evaluation, ACF.

Michael Lu,

Associate Administrator, Maternal and Child Health Bureau, HRSA.

[FR Doc. 2015–21332 Filed 9–3–15; 8:45 am]

BILLING CODE 4184–74–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than October 5, 2015.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Providing Primary Care and Preventive Medical Services in Ryan White-Funded Medical Care Settings, OMB No. 0915–xxxx—New

Abstract: Since 1990, the Ryan White HIV/AIDS Program (Ryan White Program) has funded the provision of HIV care to eligible persons living with HIV (PLWH). With the advent of effective antiretroviral treatment, PLWH are living longer and normal lives. With this shift, PLWH are beginning to experience typical health issues that come with aging. Ryan White Program-funded clinics are seeing their patients develop other common preventable chronic diseases such as diabetes, heart disease, and hypertension. In addition, clinicians need to address non-primary care issues such mental health and substance abuse issues that are prevalent to PLWH and interferes with managing and treating HIV and other conditions. By shifting HIV care into a broader system of primary care, including preventative care, clinics can offer a more holistic approach to further improving the lives of PLWH.

However, with limited resources, these Ryan White-funded clinics may struggle to provide primary and preventative care services in-house or have insufficient referral systems. This study will examine how Ryan White-funded clinics are integrating the provision of primary and preventative care services to the overall HIV care model. Specifically, it will look at the protocols and strategies used by clinics to manage care for PLWH, specifically care coordination, referral systems, and patient-centered strategies to keep PLWH in care.

Need and Proposed Use of the Information: The proposed study will provide the HRSA HIV/AIDS Bureau and policymakers with a better understanding of how the Ryan White Program currently provides primary and preventative care to PLWH. The first online survey will be targeted to clinic directors from a sample of about 160 Ryan White-funded clinics and will collect data on care models used; primary care services, including preventive services; and coordination of care. Data collected from this survey will provide the HIV/AIDS Bureau with a general overview of the various HIV care models used as well as insight to possible facilitators and barriers to providing primary and preventative care services. More in-depth data collection will be conducted with a smaller number of 30 clinics representing clinic type (publicly funded community health organization, other community-based organization, health department, and hospital or university-based) and size. There will be three data collection instruments used: (1) an online survey completed by three clinicians at each of the clinics, (2) a data extraction of select primary and preventative care services, and (3) a telephone interview with the medical director. The clinician survey will provide a more in-depth look at the clinic protocols and strategies and how they are being used and implemented by the clinicians. The data extraction will provide quantitative information on the provision of select primary and preventative care services within a certain time period. With these data, the study team can assess the accuracy of information provided in the online surveys on the provision of care. Lastly, the interviews with the medical director will allow the study team to follow-up on the results of the survey and data extraction and collect qualitative data and more in-depth details on the provision of primary and preventative

care services, specifically any facilitators and barriers. These data will provide the HIV/AIDS Bureau with the background to make informed policies and changes to the Ryan White Program in this new era when the well-being of PLWH demands a more complex and long-term HIV care model.

Likely Respondents: Clinics funded by the Ryan White HIV/AIDS Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden—Hours

Form name	Number of responses	Number of responses per respondents	Total responses	Average burden per response (in hours)	Total burden hours for all responses
Clinic Director Online Survey	130	1	130	0.5	65
Clinician Online Survey	90	1	90	0.5	45
Data Extraction	30	1	30	4.0	120
Medical Director Interview Guide	30	1	30	0.5	15
Total	280		280		245

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–22058 Filed 9–3–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Westinghouse Electric Corp. in Bloomfield, New Jersey, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On July 28, 2015, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employees who worked at the facility owned by Westinghouse Electric Corp., in Bloomfield, New Jersey, during the period from February 1, 1958, through May 31, 1958, or during the period from June 1, 1959, through June 30, 1959, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation became effective on August 27, 2015. Therefore, beginning on August 27, 2015, members of this class of employees, defined as reported in this notice, became members of the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–22042 Filed 9–3–15; 8:45 am]

BILLING CODE 4163–19P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretarial Review and Publication of the Annual Report to Congress and the Secretary Submitted by the Consensus-Based Entity Regarding Performance Measurement

AGENCY: Office of the Secretary of Health and Human Services, HHS.

ACTION: Notice.

SUMMARY: This notice acknowledges the Secretary of the Department of Health and Human Services' (HHS) receipt and review of the 2015 Annual Report to Congress and the Secretary submitted by the consensus-based entity (CBE) in contract with the Secretary as mandated by section 1890(b)(5) of the Social Security Act, which was created by section 183 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) and amended by section 3014 of the Patient Protection and Affordable Care Act of 2010. The statute requires the Secretary to review and publish the report in the **Federal Register** together with any comments of the Secretary on the report not later than six months after receiving the report. This notice fulfills those requirements.

FOR FURTHER INFORMATION CONTACT: Corette Byrd, (410) 786–1158.

The order in which information is presented in this notice is as follows:

I. Background
II. The 2015 Annual Report to Congress and the Secretary: ''National Quality Forum Report of 2014 Activities to Congress and the Secretary of the Department of Health and Human Services''
III. Secretarial Comments on the 2015 Annual Report to Congress and the Secretary
IV. Future Steps
V. Collection of Information Requirements

I. Background

In recent years we have seen significant improvements in many important dimensions of the quality of the nation's health care. The 2014 National Quality and Disparities Report, published in April 2015 by the Agency for Healthcare Research and Quality and available at *http://www.ahrq.gov/research/findings/nhqrdr/nhqdr14/index.html,* shows, for example, significant improvement in the quality of hospital care in 2013, with an estimated 1.3 million fewer harmful conditions acquired by patients while in the hospital and 50,000 fewer deaths

occurred during hospital stays as compared to 2010. However, the Report also indicates that there are many challenges to improving quality in health care across the nation. The Report shows that many patients are still potentially harmed by the care they receive, and only 70 percent of recommended care is received by patients as assessed by a broad array of quality measurements. It also shows that people of low income and racial and ethnicity minorities often receive lesser quality health care.

To address these problems, the Department of Health and Human Services is working to improve the nation's health care delivery system so that the care provided when people are ill is consistently high quality, and that healthy people are helped to stay healthy. Similarly, many States are leveraging their purchasing power to achieve these same ends; and in the private sector, provider organizations, accrediting bodies, foundations, and other non-profit organizations are working to target and align efforts to quicken the pace of improvement.

An essential factor for the success of all these efforts is the accurate, valid, and reliable measurement of the quality (and efficiency) of health care. Recognizing the need for good quality measures, the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) created section 1890 of the Social Security Act (the Act), which requires the Secretary of HHS to contract with a consensus-based entity (CBE) to perform multiple duties pertaining to healthcare performance measurement. Section 3011 of the Patient Protection and Affordable Care Act of 2010 (ACA) expanded the activities of the CBE in improving health care quality.

In January of 2009, a competitive contract was awarded by HHS to the National Quality Forum (NQF) to fulfill requirements of section 1890 of the Act. A second, multi-year contract was awarded to NQF again after an open competition in 2012. This contract includes the following duties as mandated by section 1890(b) of the Act:

Priority Setting Process: Formulation of a National Strategy and Priorities for Health Care Performance Measurement. The CBE is to synthesize evidence and convene key stakeholders to make recommendations on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In doing so, the CBE is to give priority to measures that: (a) Address the health care provided to patients with prevalent, high-cost chronic diseases; (b) have the greatest potential for improving quality, efficiency and patient-centered health care; and (c) may be implemented rapidly due to existing evidence, standards of care or other reasons. Additionally, the CBE must take into account measures that: (a) May assist consumers and patients in making informed health care decisions; (b) address health disparities across groups and areas; and (c) address the continuum of care across multiple providers, practitioners and settings.

Endorsement of Measures: The CBE is to provide for the endorsement of standardized health care performance measures. This process must consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, responsive to variations in patient characteristics such as health status, language capabilities, race or ethnicity, and income level and are consistent across types of health care providers including hospitals and physicians.

Maintenance of CBE Endorsed Measures. The CBE is required to establish and implement a process to ensure that endorsed measures are updated (or retired if obsolete) as new evidence is developed.

*Review and Endorsement of an Episode Grouper Under the Physician Feedback Program. ''*Episode-based'' performance measurement is an approach to better understanding the utilization and costs associated with a certain condition by grouping together all the care related to that condition. ''Episode groupers'' are software tools that combine data to assess such condition-specific utilization and costs over a defined period of time. The CBE is required to provide for the review, and as appropriate, endorsement of an episode grouper as developed by the Secretary.

Convening Multi-Stakeholder Groups. The CBE must convene multi-stakeholder groups to provide input on: (1) The selection of certain categories of quality and efficiency measures, from among such measures that have been endorsed by the entity; and such measures that have not been considered for endorsement by such entity but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and in the delivery of health care services for consideration under the national strategy. The CBE provides input on measures for use in certain specific Medicare programs, for use in programs that report performance information to the public, and for use in health care programs that are not included under the Social Security Act. The multi-stakeholder groups provide input on measures to be implemented through the federal rulemaking process for various federal health care quality reporting and quality improvement programs including those that address certain Medicare services provided through hospices, hospital inpatient and outpatient facilities, physician offices, cancer hospitals, end stage renal disease (ESRD) facilities, inpatient rehabilitation facilities, long-term care hospitals, psychiatric hospitals, and home health care programs.

Transmission of Multi-Stakeholder Input. Not later than February 1 of each year, the CBE is to transmit to the Secretary the input of multi-stakeholder groups.

Annual Report to Congress and the Secretary. Not later than March 1 of each year the CBE is required to submit to Congress and the Secretary of HHS an annual report. The report is to describe:

(i) The implementation of quality and efficiency measurement initiatives and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers;

(ii) recommendations on an integrated national strategy and priorities for health care performance measurement;

(iii) performance of the CBE's duties required under its contract with HHS;

(iv) gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under the national strategy established under section 399HH of the Public Health Service Act (National Quality Strategy), and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;

(v) areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy, and where targeted research may address such gaps; and

(vi) the convening of multi-stakeholder groups to provide input on: (1) The selection of quality and efficiency measures from among such measures that have been endorsed by the CBE and such measures that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and the delivery of health care services for consideration under the National Quality Strategy.

The statutory requirements for the CBE to annually report to Congress and the Secretary of HHS also specify that the Secretary of HHS must review and publish the CBE's annual report in the **Federal Register**, together with any comments of the Secretary on the report, not later than six months after receiving it.

This **Federal Register** notice complies with the statutory requirement for Secretarial review and publication of the CBE's annual report. NQF submitted a report on its 2014 activities to the Secretary on February 25, 2015. This 2015 annual report to Congress and the Secretary of the Department of Health and Human Services (dated March 1, 2015) is presented below in Section II. Comments of the Secretary on this report are presented below in section III.

II. The 2015 Annual Report to Congress and the Secretary: ''NQF Report of 2014 Activities to Congress and the Secretary of the Department of Health and Human Services''

NQF Report on 2014 Activities to Congress and the Secretary of the Department of Health and Human Services

I. Executive Summary

Over the last seven years, Congress has passed two statutes with several extensions that call upon the Department of Health and Human Services (HHS) to work with a consensus-based entity (the ''Entity'') to facilitate multistakeholder input into (1) setting national priorities for improvement in population health and quality, and (2) recommending use of quality and efficiency measures. The first of these statutes is the 2008 Medicare Improvements for Patients and Providers Act (MIPPA) (PL 110–275), which established the responsibilities of the consensus-based entity by creating section 1890 of the Social Security Act. The second statute is the 2010 Patient Protection and Affordable Care Act (ACA) (PL 111–148), which modified and added to the consensus-based entity's responsibilities. The American Taxpayer Relief Act of 2012 (PL 112–240) extended funding under the MIPPA statute to the consensus-based entity through fiscal year 2013. The Protecting Access to Medicare Act of 2014 (PL113–93) extended funding under the MIPPA and ACA statutes to the consensus-based entity through March 31, 2015. HHS has awarded contracts to the consensus-based entity identified in the statute which is currently the National Quality Forum (NQF).

These laws specifically charge the Entity to report annually on its work:

As amended by the above laws, the Social Security Act (the Act)—specifically section 1890(b)(5)(A)—also mandates that the entity report to Congress and the Secretary of HHS no later than March 1st of each year. The report must include descriptions of: (1) How NQF has implemented quality and efficiency measurement initiatives under the Act and coordinated these initiatives with those implemented by other payers; (2) NQF's recommendations with respect to activities conducted under the Act; (3) NQF's performance of the duties required under its contract with HHS; (4) gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under HHS' National Quality Strategy; (5) areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the National Quality Strategy, and where targeted research may address such gaps; and (6) the matters described in clauses (i) and (ii) of paragraph (7)(A) of section 1890(b).[1]

This sixth Annual Report highlights NQF's work conducted between January 1, 2014 and December 31, 2014 related to these statutes and conducted under contract with HHS. The deliverables produced under contract in 2014 are referenced throughout this report, and a full list is included in Appendix A.

In addition to NQF's statutorily mandated work, NQF worked with federal partners such as the Centers for Medicare & Medicaid Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC) in 2014 on a lean improvement project in order to streamline its endorsement processes. Also in 2014, NQF began to work with CMS and private insurers to further the uniform use of measures (commonly referred to as alignment) between the public and private sectors. Both of these initiatives were funded by NQF without the support of federal funds.

Recommendations on the National Quality Strategy and Priorities

Section 1890(b)(1) of the Social Security Act (the Act), mandates that the consensus-based entity (CBE) also required under section 1890 of the Act shall ''synthesize evidence and convene key stakeholders to make recommendations . . . on an integrated national strategy and priorities for healthcare performance measurement in all applicable settings.'' In making such recommendations, the entity shall ensure that priority is given to measures that address the healthcare provided to patients with prevalent, high-cost chronic diseases, that focus on the greatest potential for improving the quality, efficiency, and patient-centeredness of healthcare, and that may be implemented rapidly due to existing evidence and standards of care, or other reasons. In addition, the entity will take into account measures that may assist consumers and patients in making informed healthcare decisions, address health disparities across groups and areas, and address the continuum of care a patient receives, including services furnished by multiple healthcare providers or practitioners and across multiple settings.

In 2010, at the request of the Department of Health and Human Services (HHS), the NQF-convened National Priorities Partnership (NPP) provided input that helped shape the initial version of the *National Quality Strategy (NQS)*.[2] The NQS was released in March 2011, setting forth a cohesive roadmap for achieving better, more affordable care, and better health. Upon the release of the NQS, HHS accentuated the word 'national' in its title, emphasizing that healthcare stakeholders across the country, both public and private, all play a role in making the NQS a success.

NQF has continued to further the NQS by convening diverse stakeholder groups to reach consensus on key strategies for improvement. In 2014, NQF completed work in several emerging areas of importance that address the National Quality Strategy, such as how to improve population health within communities; how to organize measures and other meaningful information to help consumers make informed healthcare decisions in the federal exchange marketplace; and how to dramatically improve patient safety in high-priority areas such as maternity care, avoidable readmissions, and patient- and family-centered engagement. NQF also continued its work in support of the Common Formats, which helps standardize electronic reporting of patient safety event data.

Quality and Efficiency Measurement Initiatives (Performance Measures)

Under section 1890(b)(2) and (3) of the Act, the entity must provide for the endorsement of standardized healthcare performance measures. The endorsement process shall consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible for collecting and reporting data, responsive to variations in patient

characteristics, and consistent across healthcare providers. In addition, the entity must maintain endorsed measures, including updating endorsed measures or retiring obsolete measures as new evidence is developed.

Since its inception in 1999, NQF has developed a portfolio that covers many aspects of measurement and currently contains approximately 600 measures which are in widespread use across an array of settings. About 300 NQF-endorsed measures are used in more than 20 federal public reporting and pay-for-performance programs; these and other measures are also used in private sector and state programs.

Over the past several years, NQF in partnership with HHS and private-sector stakeholders has worked to evolve the science of performance measurement. This effort has included placing greater emphasis on both evidence behind a measure and ensuring a clear link to outcomes; a focus on addressing key measurement gaps, including measures related to care coordination and patient experience; and implementation of a requirement that testing of measures demonstrate their reliability and validity. In addition, NQF has moved from convening experts for the duration of a project to using standing committees to be able to respond in real time to newly published research to ensure its endorsed measures are accurate, evidence-based, and meaningful.

NQF also has laid the foundation for the next generation of measures by providing guidance on criteria to evaluate episode groupers, as well as how and when to incorporate socioeconomic (SES) and sociodemographic factors in measurement. Beginning in January 2015, NQF will undertake a two year trial period during which measure developers will be invited to submit measures that take into account socioeconomic and sociodemographic factors where appropriate. These measures would be eligible for NQF endorsement and are required to include the non-risk-adjusted, stratified, and socioeconomically adjusted measures. This trial period will enable the field to compare measures which are adjusted and not adjusted for SES and to consider the implications of adjustment. When the trial period is over, NQF will determine if its endorsement criteria should be permanently changed to include SES adjustment where appropriate.

Across six HHS-funded projects in 2014, NQF added 98 measures to its portfolio. Forty-eight of these measures were new measure submissions, and 50 were measures that retained their NQF endorsement. Twenty-seven of the 98 endorsed measures are outcome measures, 59 are process measures, 7 are composite measures, 2 are structural measures, and 3 are cost and resource use measures.

In 2014, NQF endorsed measures in order to:

Drive the system to be more responsive to patient/family needs—In 2014, this effort included Person- and Family-Centered Care and Care Coordination endorsement projects, including patient-reported outcomes and patient experience surveys. These measures are used in programs such as the Hospital Inpatient Quality Reporting (IQR) Program and Physician Quality Reporting System (PQRS) and are also reported on the Hospital Compare Web site.

Improve care for highly prevalent conditions—NQF's work included Cardiovascular, Endocrine, and Musculoskeletal endorsement projects in 2014. NQF-endorsed measures in these areas are used in the Hospital IQR Program and PQRS.

Emphasize cross-cutting areas to foster better care and coordination—In 2014, this effort included Behavioral Health and Patient Safety endorsement projects. NQF-endorsed measures in these areas are used in the Home Health Quality Reporting Program, Hospital IQR Program, the Inpatient Psychiatric Facility Quality Reporting Program, and PQRS.

Support new accountability efforts coming online—NQF's work included Cost/Resource Use and Readmission endorsement projects. For example, the NQF-endorsed readmissions measures are used in CMS' Hospital Readmissions Reduction Program and Physician Value-Based Payment Modifier Program.

During 2014, NQF also removed 93 measures from its portfolio for a variety of reasons: Measures no longer met endorsement criteria; measures were harmonized with other similar, competing measures; measure developers chose to retire measures they no longer wished to maintain; a better, substitute measure was submitted; or measures ''topped out,'' with providers consistently performing at the highest level. Consistently culling the portfolio through these means and through the measure maintenance process ensures that the NQF portfolio is relevant to the most current practices in the field.

In September 2014, HHS awarded NQF additional measure endorsement projects, addressing topics such as eye, ear, nose, and throat conditions; renal, surgery, and cardiovascular conditions; and patient safety. NQF has begun work on these projects by issuing calls for measures to be reviewed and considered for endorsement.

Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Under section 1890A of the Act, HHS is required to establish a pre-rulemaking process under which a consensus-based entity (currently NQF) would convene multistakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures for use in certain federal programs. The list of quality and efficiency measures HHS is considering for selection is to be publicly published no later than December 1 of each year. No later than February 1 of each year, the consensus-based entity (NQF) is to report to HHS the input of the multistakeholder groups, which will be considered by HHS in the selection of quality and efficiency measures.

The Measure Applications Partnership (MAP) is a public-private partnership convened by NQF to provide input to HHS on the selection of performance measures for more than 20 federal public reporting and performance-based payment programs. MAP brings together approximately 150 healthcare leaders and experts representing nearly 90 private-sector organizations as well as federal liaisons from 7 different agencies for an intensive annual review of measures being considered by HHS. HHS then takes these recommendations under consideration as it develops and updates the regulations that govern these programs.

In 2014, HHS requested that MAP review measures for 20 federal public reporting and payment programs. MAP's work fosters use of a more uniform set of measures across federal programs and across the public and private sectors. This uniformity—commonly referred to as alignment—helps providers better identify key areas in which to improve quality; reduces wasteful data collection for hospitals, physicians, and nurses; and helps to curb the proliferation of redundant measures which could confuse patients and payers.

MAP also developed ''families of measures'' (groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals) for the high-priority areas of affordability, population health, and person- and family-centered care; and provided input on measures for vulnerable populations, including Medicare-Medicaid enrollees and adults and children enrolled in Medicaid.

Gaps in Endorsed Quality and Efficiency Measures and Evidence and Targeted Research Needs

Under section 1890(b)(5)(iv) of the Act, the entity is required to describe gaps in endorsed quality and efficiency measures, including measures within priority areas identified by HHS under the agency's National Quality Strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps. Under section 1890(b)(5)(v) of the Act, the entity is also required to describe areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy and where targeted research may address such gaps.

NQF continued in 2014 its efforts to fill measurement gaps—areas where there is a need for performance measures—by building on and supplementing the analytic work that informed previous Measure Gap Analysis Reports.[3] Through both the MAP and performance measurement projects, NQF took initial steps to encourage gap-filling by identifying areas in which no adequate measures exist, offering more detailed suggestions for measure development, and involving measure developers in discussions about gaps.

In an effort to provide more detailed recommendations in key measurement gap areas, HHS requested in 2013 that NQF convene multistakeholder committees to recommend priorities for performance measurement development across five topics areas that corresponded to important aspects of the National Quality Strategy, including:

- Adult Immunization—identifying critical areas for performance measurement to optimize vaccination rates and outcomes across adult populations;
- Alzheimer's Disease and Related Dementias—targeting a high-impact condition with complex medical and social implications that impact patients, their families, and their caregivers;
- Care Coordination—focusing on team-based care and coordination between providers of primary care and community-based services in the context of the ''health neighborhood'';
- Health Workforce—emphasizing the role of the workforce in prevention and care coordination, linkages between healthcare and community-based services, and workforce deployment; and
- Person-Centered Care and Outcomes—considering measures that are most important to patients—particularly patient-reported outcomes—and how to advance them through health information technology.

Several important conclusions have been drawn from NQF's 2014 work in the gaps space. MAP reported in its 2014 pre-rulemaking review [4] of proposed measures that the topic areas that need measures were largely the same as from the previous year. Those gaps are in safety, patient and family engagement, healthy living, care coordination, affordability, and prevention and treatment of leading causes of mortality. Measure development in these areas should be a priority. NQF's efforts to define in more detail measures needed in these and other areas may help fill these gaps in the future. NQF is also exploring efforts in partnering with other organizations to address persistent measure gaps.

II. Recommendations on the National Quality Strategy and Priorities

Section 1890(b)(1) of the Social Security Act (the Act), mandates that the consensus-based entity (CBE) also required under section 1890 of the Act shall ''synthesize evidence and convene key stakeholders to make recommendations . . . on an integrated national strategy and priorities for healthcare performance measurement in all applicable settings.'' In making such recommendations, the entity shall ensure that priority is given to measures: 1) That address the health care provided to patients with prevalent, high-cost chronic diseases; 2) with the greatest potential for improving the quality, efficiency, and patient-centeredness of healthcare; and 3) that may be implemented rapidly due to existing evidence, standards of care, or other reasons. In addition, the entity will take into account measures that: 1) May assist consumers and patients in making informed healthcare decisions; 2) address health disparities across groups and areas; and 3) address the continuum of care a patient receives, including services furnished by multiple healthcare providers or practitioners and across multiple settings.

In 2010, at the request of HHS, the NQF-convened National Priorities Partnership (NPP) provided input that helped shape the initial version of the *National Quality Strategy (NQS).* The NQS was released in March 2011, setting forth a cohesive roadmap for achieving better, more affordable care, and better health. Upon the release of the NQS, HHS accentuated the word 'national' in its title, emphasizing that healthcare stakeholders across the country, both public and private, all play a role in making the NQS a success.

NQF has continued to further the NQS by convening diverse stakeholder groups to reach consensus on key strategies for improvement. In 2014, NQF began or completed work in several emerging areas of importance that address the National Quality Strategy, such as how to improve population health within communities; providing advice to CMS on what information on healthcare quality is available to make informed healthcare coverage decisions through the Federal Health Insurance Marketplace; how to dramatically improve patient safety in high-priority areas through the use of Action Teams focusing on maternity care, avoidable readmissions, and patient and family engagement; and working with AHRQ to develop Common Formats for patient safety data reporting. Accomplishments in these areas in 2014 are described below.

Improving Population Health Within Communities

The National Quality Strategy's population health aim focuses on:

''Improv[ing] the health of the U.S. population by supporting proven interventions to address behavioral, social, and environmental determinants of health in addition to delivering higher-quality care.''

One of the NQS' six priorities specifically emphasizes:

''Working with communities to promote wide use of best practices to enable healthy living.''

With the expansion of coverage due to the ACA, the federal government has an opportunity to meaningfully coordinate its improvement efforts with those of local communities in order to better integrate and align medical care and population health. Such efforts can help improve the nation's health and lower costs.

To support these efforts, NQF is conducting a multiphase project focused on helping communities implement population health initiatives. In August 2014, NQF produced ''The Guide for Community Action'' handbook. With funding from HHS, NQF brought together a multistakeholder committee to develop this Guide through an open and iterative process. The Committee included population and community health experts, public health practitioners, healthcare providers, coordinators of home and community based services, consumer advocates, employers, and others who influence population health.

To inform creation of the Guide, an Advisory Group consisting of a smaller

subset of the full Committee was convened to do an environmental scan at the start of the project. Additional input was provided by the full Committee, federal partners engaged in the work, and from the Government Task Lead (GTL) overseeing this project.

The Guide [5] was created to be used by anyone who wants to improve health across a population, whether locally, in a broader region or state, or even nationally. The Guide's purpose is to support individuals and groups working together at all levels to successfully promote and improve population health over time. It contains brief summaries of 10 elements important to consider during community-based efforts, along with actions to take and examples of practical resources, to build a coalition that can improve population health. The 10 elements are summarized below:

Element	Examples of questions to ask
Self-assessment about readiness to engage in this work	What types of assessments have already been done in efforts to improve the health of this population?
Leadership across the region and within organizations	Which individuals or organizations in the region are recognized or potential leaders in population health improvement?
Organizational planning and priority-setting process	Which organizations in the region engage in collaborative planning and priority setting to guide activities to improve health in the region?
Community health needs assessment and asset mapping process	Which organizations in the region already conduct community health needs assessments or asset mapping regarding population health?
An agreed-upon, prioritized set of health improvement activities	What are the focus areas of existing population health improvement projects or programs, if any?
Selection and use of measures and performance targets	Which measures, metrics, or indicators are already being used to assess population health in the region, if any?
Audience-specific strategic communication	What is the level of skill or capability to engage in effective communication with each of the key audiences in the region?
Joint reporting on progress toward achieving intended results	Which organizations in the region publicly or privately report on progress in improving population health
Indications of scalability	For current or new population health work in the region, what is the potential for expansion into additional groups or other regions?
Plan for sustainability	What new policy directions, structural changes, or specific resources in the region may be useful for sustaining population health improvement efforts over time?

Upon release of the Guide, NQF launched phase 2 of the project. During this phase, NQF began enlisting 10 communities to field test the Action Guide developed in phase 1 of the project. These 10 communities, selected in November 2014, represent a diverse set of groups, each with different levels of experience, varied geographic and demographic focus, and demonstrated involvement in or plans to establish population health-focused programs. The groups selected for the 18-month field test will be participating in a variety of activities, such as applying the content of the Guide to new or existing population health improvement projects, determining what works and what needs enhancement, and offering examples and ideas for revised or new content based on their own experiences. The selected groups also will have the opportunity to interact with one another and with members of the committee through in-person meetings and monthly conference calls.

The 10 field testing groups include:

1. Colorado Department of Health Care Policy and Financing (HCPF), Denver, CO
2. Community Service Council of Tulsa, Tulsa, OK
3. Designing a Strong and Healthy NY (DASH–NY), New York, NY
4. Empire Health Foundation, Spokane, WA
5. Kanawha Coalition for Community Health Improvement, Charleston, WV
6. Mercy Medical Center and Abbe Center for Community Mental Health—A Community Partnership with Geneva Tower, Cedar Rapids, IA
7. Michigan Health Improvement Alliance, Central Michigan
8. Oberlin Community Services and The Institute for eHealth Equity, Oberlin, OH
9. Trenton Health Team, Inc., Trenton, NJ
10. The University of Chicago Medicine Population Health Management Transformation, Chicago, IL

Health Insurance Marketplaces Quality Rating System

Under the statutory provision that the consensus-based entity will ''take into account measures that may assist consumers and patients in making informed healthcare decisions,'' HHS directed NQF to convene multistakeholder groups to provide input and comment on the proposed quality and efficiency measures that will form a core measure set, the hierarchical structure, and organization of a Quality Rating System (QRS). The measures will help consumers select health plans through the new Health Insurance Marketplaces established by the Affordable Care Act.

NQF's Measure Applications Partnership (MAP) carried out this project. MAP is made up of stakeholders from a wide array of healthcare sectors and 7 federal agencies, as well as 150 subject matter experts representing nearly 90 private-sector organizations, tasked with recommending measures for federal public reporting, payment, and other programs to enhance healthcare value.

In the final deliverable for this project, the report titled *Input on the Quality Rating System for Qualified Health Plans in the Health Insurance Marketplaces,*[6] MAP recognized that the initial implementation of the QRS will be limited to existing, developed measures at the health plan level and identified four primary steps to moving forward over the next five years:

- First, HHS should immediately begin to address areas that are important to consumers but are not represented across the existing measures in the QRS, specifically, out-of-pocket costs and shared decisionmaking.
- Second, HHS should thoroughly test all aspects of the QRS with diverse marketplace populations without delaying implementation and monitor on an ongoing basis.
- Third, HHS should include provider-level quality information within three years after initial

implementation for comprehensive support of consumer decisionmaking.

• Fourth, HHS should add functionality to the QRS within five years of initial implementation that allows consumers to customize and prioritize information to assist in their unique decisionmaking processes.

MAP considered HHS' proposed measures and structure for the marketplace that will be implemented in 2016 within the context of the broader vision bulleted above. MAP supported 28 out of 42 measures proposed for the family core set and 19 out of 25 measures proposed for the child core set. Additionally, MAP conditionally supported eight measures for the family core set and four for the child core set, and did not support six measures for the family core set and two for the child core set. The recommended measures span a wide range of areas including CAHPS surveys for various topics, preventative care measures, resource use measures, readmissions measures, prenatal care, diabetes measures and other measures that address prevalent conditions. Recognizing that the proposed measures are limited to those currently available, MAP identified three measures to address gap areas, and prioritized gap areas for measure development. The specific measures proposed by HHS and MAP's recommendations are listed in Appendix G of the report.

Improving Patient Safety in High-Priority Areas

NQF is leveraging its membership of over 400 organizations from every part of the healthcare system and its relationships with key stakeholders across the healthcare field to further mobilize private sector action in support of HHS' *Partnership for Patients*,[7] an initiative started in spring 2011 to improve patient safety across the country. Specifically, in 2013 NQF formed three Action Teams—multistakeholder teams tasked with developing and acting on specific goals aligned with the NQS safety priority—to address high-priority areas for improvement, including maternity care, patient and family engagement, and readmissions. This work concluded in 2014.

The Action Teams comprised diverse national organizations that have members or chapters in communities across the country. Through coordination at the national level, Action Teams spur changes to the delivery system at the local level. These Teams were committed to specific goals, including:

• Reducing early elective deliveries (EEDs);

• Reducing readmissions for complex and vulnerable populations; and

• Engaging patients and families in health system improvement.

The Action Teams developed Action Pathway Reports and other tools as resources for those who wish to learn from the challenges and successes of the Action Teams.

Additionally in 2014, NQF held four quarterly meetings and developed four impact reports that called out innovative ideas and best practices that have the potential to accelerate change in the area of patient safety. These meetings focused on specific drivers for safety, including strengthening the workforce, accreditation and certification, purchasing and payment, and patient and family engagement. Quarterly impact reports provided a synopsis of Action Team and stakeholder activities as well as the quarterly meetings. The accomplishments of each of the three Action Teams are described below.

Maternity Action Team

The Maternity Action Team was reconvened in early 2014 to continue its work on addressing inappropriate maternity care. Although significant progress has been made in reducing EEDs, there are many areas of the country that are still finding it difficult to achieve results. As described in the Action Team's report, *Maternity Action Team Action Pathway: Promoting Healthy Mothers and Babies*,[8] the overarching goal of the Action Team was to reduce EEDs prior to 39 weeks gestation to 5 percent or less in every state. To support this goal, three specific strategies were identified: Measurement, partnership, and consumer and provider engagement.

The Action Team developed and disseminated a *Playbook for the Successful Elimination of Early Elective Deliveries* [9] in August 2014 to provide guidance and strategies to help those still struggling to reduce their rates of EEDs.

Readmissions Action Team

The Readmissions Action Team was formed to support the Partnership for Patients goal of reducing hospital readmissions within 30 days by 20 percent on a national level. As described in the *Readmissions Action Team Action Pathway: Reducing Avoidable Admissions and Readmissions* [10] report, the focus of this team was to achieve the Partnership for Patients goals by identifying high-risk patients with psychosocial needs, and leveraging patient, provider, and community partnership to address those needs so as to prevent unwarranted readmissions. Strategies identified by the Action Team include working together across stakeholder groups to enhance systems improvement, collaboration among providers, and patient and family engagement. The Action Team shared best practices and approaches to improving the quality of care for high-risk populations to foster both individual and collective efforts to further progress.

Patient and Family Engagement Action Team

The Patient and Family Engagement Action Team supports the Partnership for Patients goals around patient safety by utilizing the support of patients and families to be patient safety advocates, and by partnering with healthcare organizations to encourage person-centered care as an organizational core value. As described in the Team's *Patient and Family Engagement Action Pathway: Fostering Authentic Partnerships between Patients, Families, and Care Teams* [11] report, three strategies were used to support the goal of fostering authentic partnerships: Identifying tools, resources, and practices that reflect patient-preferred practices, and encourage meaningful dialogue among providers; leveraging existing networks and relationships to spread these tools and practices; and activating patients and families to participate in organizational redesign and governance to drive system-level change.

In support of the strategy to identify tools that can foster dialogue between patients and caregivers, the Action Team created and promoted the use of a *Patient Passport,* a tool to assist patients in having meaningful and effective communication with providers, particularly in the hospital setting. The tool allows patients to initiate and guide conversations with their providers, with the added benefit of making frontline staff's work simpler by presenting to them information about the patient that is concise and meaningful.

Common Formats for Patient Safety Data

For more than 10 years, both NQF and the Agency for Healthcare Research and Quality (AHRQ) have developed and promulgated standardized approaches for reporting and reducing adverse safety events to enable shared learning across the country. NQF's list of Serious Reportable Events (SREs), first published in 2002, has helped raise awareness and stimulate action around

preventable adverse events that should be publicly reported. The Patient Safety and Quality Improvement Act of 2005 advanced reporting further by authorizing the development of common and consistent definitions and standardized formats to collect, collate, and analyze patient safety events occurring within and across healthcare providers. AHRQ developed the Common Formats—a standardized method for collection and compilation of information about patient safety events occurring in the United States, including Serious Reportable Events—to help operationalize the Act.

To ensure the Common Formats are feasible for use in the field, AHRQ has contracted with NQF to implement a process that ensures broad stakeholder input on new Common Formats modules developed by AHRQ for both hospitals and nursing homes.

NQF has established a process and tools for receiving comments on the Common Formats beginning with the release of each set and version and continuing for a specified period thereafter. This project is guided by an NQF-convened Expert Panel that considers and makes recommendations regarding comments from healthcare stakeholders. Previously, based upon the Expert Panel's recommendations, NQF supported AHRQ in its iterative revisions and refinements of Common Formats for hospitals and nursing homes. AHRQ has now developed Common Formats for surveillance in hospitals.

In 2014, NQF continued to collect comments on all versions of Common Formats for Event Reporting—Hospital, Common Formats for Event Reporting—Nursing Home V.0.1 Beta, and for individual modules that have been integrated into these sets. NQF continues to collect comments on Hospital V.1.1 and V.1.2 and Nursing Home V.0.1 Beta. All comments received in 2014 have been acted upon by the Expert Panel and recommendations have been provided to AHRQ. Future expansions of the Common Formats will include patient events in ambulatory settings.

III. Quality and Efficiency Measurement Initiatives (Performance Measures)

Under section 1890(b)(2) and (3) of the Act, the entity must provide for the endorsement of standardized health care performance measures. The endorsement process shall consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible for collecting and reporting data, responsive to variations in patient characteristics, and consistent across types of healthcare providers. In addition, the entity must maintain endorsed measures by ensuring that such measures are updated, or retired, as new evidence is developed.

Standardized healthcare performance measures are used by a range of healthcare stakeholders for a variety of purposes. Measures help clinicians, hospitals, and other providers understand whether the care they provide their patients is optimal and appropriate, and if not, where to focus their efforts to improve. In addition, performance measures are increasingly used in federal accountability pay for reporting and payment programs, to inform patient choice, and to assess the effects of care delivery changes.

Working with multistakeholder committees to build consensus, NQF reviews and endorses healthcare performance measures. Since its inception in 1999, NQF has developed a portfolio of approximately 600 NQF-endorsed measures which are in widespread use across an array of settings. The federal government, states, and private sector organizations use NQF's endorsed measures to evaluate performance and share information with patients and their families. Together, NQF measures serve to enhance healthcare value by ensuring that consistent, high-quality performance information and data are available, which allows for comparisons across providers and the ability to benchmark performance.

Over the past several years, NQF, in partnership with HHS and others, has worked to evolve the science of performance measurement. This effort has included placing greater emphasis on evidence and requiring a clear link to outcomes; a greater focus on addressing key gaps in care, including care coordination and patient experience; and a requirement that testing of measures demonstrates their reliability and validity. In addition, in 2014 NQF moved to using standing committees to be able to respond in real time to newly published research to ensure its endorsed measures are accurate, evidence-based, and meaningful.

In 2014, NQF also laid the foundation for the next generation of measures by providing guidance on how to address socioeconomic and sociodemographic factors related to measurement; [12] criteria to use in evaluating episode groupers; [13] and beginning a project on how to use measures to evaluate performance for rural and low-volume providers.

Current State of NQF Measures Portfolio: Responding to Evolving Needs

Across 6 HHS-funded projects in 2014, NQF added 98 measures to its portfolio. This contrasts with 27 measures endorsed in 2013 across 6 HHS-funded projects. The difference in endorsed measures between 2013 and 2014 can be attributed to the fact that the 2013 work was primarily conducted within a contract that was nearing completion due to a delay in funding. New measure endorsement projects for 2014 were awarded under a new contracting vehicle implemented in September 2013.

NQF ensures that the measure portfolio contains ''best-in-class'' measures across a variety of clinical and cross-cutting topic areas. Expert committees review both previously endorsed and new measures in a particular topic area to determine which measures deserve to be endorsed or re-endorsed because they are best-in-class. Working with expert multistakeholder committees,[14] NQF undertakes actions to keep its endorsed measure portfolio relevant.

During 2014, NQF also removed 93 measures from its portfolio. NQF removed about 90 measures from its portfolio in 2013. NQF removes measures for a variety of reasons including: measures no longer met more rigorous endorsement criteria; measures are harmonized with other similar, competing measures; measure developers chose to retire measures they no longer wish to maintain; or measures are ''topped-out.''

These ''topped-out'' measures are put into reserve because they show consistently high levels of performance and are therefore no longer meaningful in differentiating performance across providers This culling of measures ensures that time is spent measuring aspects of care in need of improvement rather than retaining measures related to areas where widespread success has already been achieved.

While NQF pursues strategies to make its measure portfolio appropriately lean and responsive to real-time changes in clinical evidence, it also aggressively seeks measures from the field that will help to fill known measure gaps and to align with the NQS goals. Several important factors motivate NQF to expand its portfolio, including the need for eMeasures; measures that are applicable to multiple clinical specialties and settings of care; measures which assist in the evaluation of new payment models (*e.g.,* bundled payment, Accountable Care Organizations, etc.); and the need for

more advanced measures that help close cross-cutting gaps in areas such as care coordination and patient-reported outcomes.

Finally, NQF also works with stewards and developers who create measures, in order to harmonize related or near-identical measures and eliminate nuanced differences. Harmonization is critical to reducing measurement burden for providers, who may be inundated with requests to report near-identical measures. Successful harmonization results in fewer endorsed measures for providers to report and for payers and consumers to interpret. Where appropriate, NQF works with measure developers to replace existing process measures with more meaningful outcome measures.

Measure Endorsement Accomplishments

As mentioned previously, NQF added 98 measures to its portfolio in 2014. Forty-eight of these measures were new measure submissions and 50 were measures that retained their NQF endorsement. Twenty-seven of the 98 endorsed measures are outcome measures, 59 are process measures, 7 are composite measures, 2 are structural measures, and 3 are cost and resource use measures.

In 2014, NQF endorsed measures in order to:

Drive the system to be more responsive to patient/family needs—In 2014, NQF conducted work on Person- and Family-Centered Care and Care Coordination endorsement projects, including patient-reported outcomes and patient experience surveys. These measures are used in programs such as Hospital Inpatient Quality Reporting (IQR) Program, and the Physician Quality Reporting System (PQRS) as well as reported on the Hospital Compare Web site.

Improve care for highly prevalent conditions—In 2014, NQF conducted work on Cardiovascular, Endocrine, and Musculoskeletal endorsement projects. NQF-endorsed measures in these areas are used in the Hospital IQR Program and PQRS.

Foster better care and coordination by focusing on crosscutting areas—NQF also conducted work on Behavioral Health and Patient Safety endorsement projects in 2014. NQF-endorsed measures in these areas are used in the Home Health Quality Reporting Program, Hospital IQR Program, the Inpatient Psychiatric Facility Quality Reporting Program, and PQRS.

Support new accountability efforts coming online— In 2014, NQF conducted work on Cost/Resource Use and Readmission endorsement projects. For example, the NQF-endorsed readmissions measures are used in CMS' Hospital Readmissions Reduction Program and Physician Value-Based Payment Modifier Program.

Other project work also began in 2014 on topics such as health and well-being, patient safety, musculoskeletal, person- and family-centered care, and surgery.

Measure highlights in 2014 include the following:

Behavioral health measures. In the United States, it is estimated that approximately 26.4 percent of the population suffers from a diagnosable mental disorder. These disorders—which can include serious mental illnesses, substance use disorders, and depression—are associated with poor health outcomes, increased costs, and premature death. Although general behavioral health disorders are widespread, the burden of serious mental illness is concentrated in about six percent of the population. In 2005, an estimated $113 billion was spent on mental health treatment in the United States. Of that amount, $22 billion was spent on substance abuse treatment alone, making substance abuse one of the most costly (and treatable) illnesses in the nation. In 2014, phase 2 of this project was completed and phase 3 is in progress. During phase 2 of the project, the Behavioral Health Steering Committee evaluated 13 new measures and 11 measures undergoing maintenance review of which 20 measures were ratified for endorsement.

In phase 3 of this project, which is currently ongoing, the Behavioral Health Standing Committee reviewed 13 new measures and 6 measures undergoing maintenance review. The Committee recommended 13 measures for endorsement (9 process measures, 3 outcome measures, and 1 composite measure were approved); 1 measure was not recommended; and 1 measure was deferred.

Cost and resource use measures. To expand NQF's portfolio of measures that could be used to assess efficiency and contribute to an assessment of value, NQF has undertaken foundational work on cost and resource use definitions. Phases 2 and 3 of this project were conducted in 2014.

Phase 2 focused on cardiovascular condition-specific measures; phase 3 focused on pulmonary condition-specific measures, and condition-specific episode based measures. The Cost and Resource Use Standing Committee reviewed three measures, and three were recommended for endorsement. In phase 2, three measures were ratified for endorsement; 2 out of the 3 measures received endorsement only with conditions. The conditions include a one-year look-back assessment of unintended consequences by reviewing the related data, as well as consideration for the SES trial period.

In phase 3, all three recommended measures were ratified in December 2014 with the same conditions as the phase 2 measures: one-year look-back assessment of unintended consequences, consideration for the SES trial period and attribution.

Cardiovascular measures. Cardiovascular disease is the leading cause of death for men and women in the United States. It accounts for approximately $312.6 billion in healthcare expenditures annually. Coronary heart disease (CHD), the most common type, accounts for 1 of every 6 deaths in the United States. Hypertension—a major risk factor for heart disease, stroke, and kidney disease—affects 1 in 3 Americans, with an estimated annual cost of $156 billion in medical costs, lost productivity, and premature deaths.

In Phase 1 of the Cardiovascular project, the Standing Committee evaluated 8 new measures and 9 measures undergoing maintenance review against NQF's standard measure evaluation criteria. 14 (6 process measures, 5 outcome measures and 3 composite measures) of the 17 measures submitted were recommended by the Committee, while 3 were not recommended.

The second phase began in September 2014. Within this phase, the Standing Committee will provide recommendations for endorsement on 16 measures (10 new measures and 6 measures undergoing maintenance review) against NQF's measure evaluation criteria. The final technical report for this phase will be posted on the NQF Cardiovascular phase 2 Web page and submitted to HHS in July 2015.

As part of NQF's ongoing work with performance measurement for cardiovascular conditions, an open call for measures is now underway for the third phase of this project. Within this project, NQF is soliciting new measures and concepts on any cardiovascular condition, including hypertension, coronary artery disease, acute myocardial infarction, PCI, heart failure, atrial fibrillation, or any other heart disease, and any treatments, diagnostic studies, interventions, procedures (excluding surgical procedures), or outcomes associated with these conditions.

Endocrine measures. Endocrine conditions most often result from the

endocrine system producing either too much or too little of a particular hormone. In the United States, two of the most common endocrine disorders are diabetes and osteoporosis. Diabetes, a group of diseases characterized by high blood glucose levels, affects as many as 25.8 million Americans and ranks as the seventh leading cause of death in the United States. Osteoporosis, a bone disease characterized by low bone mass and density, affects an estimated 9 percent of U.S. adults age 50 and over. Many of the diabetes measures in the portfolio are among NQF's longest-standing measures.

NQF selected the Endocrine measure evaluation project to pilot test a process improvement to allow frequent submission and evaluation of measures in order to help speed up the time from measure development to use in the field. This 22-month project will include three full endorsement cycles, allowing for the submission and review of both new and previously-endorsed measures every six months, instead of every three years which had been the norm. In addition, this project is one of the first to transition to the use of Standing Committees, meaning that the measure endorsement committee is able to review measures on a frequent basis instead of once at the start of a project as done previously.

In cycle 1, the Standing Committee recommended 14 out of 15 measures submitted for endorsement; the measures were ratified by the Board in 2014. In cycle 2, all six measures (all maintenance, no new measures were submitted) were recommended for endorsement. The measures were all process measures and related to diabetes and osteoporosis. All recommended measures were ratified in December 2014. The submission deadline for cycle 3 closed in December 2014; one composite measure and one outcome measure related to diabetes were submitted for maintenance review. The measures will be reviewed by the Committee in January 2015.

Care coordination measures. Care coordination is increasingly recognized as fundamental to the effectiveness of healthcare systems in improving patient outcomes. Poorly coordinated care regularly leads to unnecessary suffering for patients, as well as avoidable readmissions and emergency department visits, increased medical errors, and higher costs.

People with chronic conditions and multiple co-morbidities—and their families and caregivers—often find it difficult to navigate our already complex healthcare system. As this ever-growing population transitions from one care setting to another, they are more likely to suffer the adverse effects of poorly coordinated care. Incomplete or inaccurate transfer of information, poor communication, and a lack of follow-up can lead to poor outcomes, such as medication errors. Effective communication within and across the continuum of care will improve both quality and affordability.

In the third phase of the Care Coordination project, the Standing Committee evaluated 1 new measure and 11 measures undergoing maintenance review. Eleven of the measures were recommended for endorsement by the Committee, and one was not recommended. Following review of the measures, the Committee recommended that a suite of seven measures regarding Emergency Transfer Communication be combined into one measure. The Board of Directors ratified the recommendations of the Committee in September 2014 and approved five measures (two process measures and three outcome measures) for endorsement.

All-cause admissions and readmissions measures. Unnecessary admissions and avoidable readmissions to acute care facilities are an important focus for quality improvement by the healthcare system. Previous studies have shown that nearly 1 in 5 Medicare patients is readmitted to the hospital within 30 days of discharge, costing upwards of $426 billion annually.

In 2014, the All-Cause Admissions and Readmissions Standing Committee evaluated 15 new measures and 3 measures undergoing maintenance review against NQF's standard evaluation criteria. Fifteen of the 18 measures were recommended for endorsement by the Committee. Seventeen of the 18 measures were recommended for endorsement and approved by the CSAC. All 17 measures were ratified for endorsement by the NQF Board but only with the following conditions: A one-year look-back assessment of unintended consequences and consideration for the SES trial period.

Health and well-being measures. Social, environmental, and behavioral factors can have significant negative impact on health outcomes and economic stability; yet only 3 percent of national health expenditures are spent on prevention, while 97 percent is spent on healthcare services. Population health includes a focus on health and well-being, along with disease and illness prevention and health promotion. Using the right measures can determine how successful initiatives are in reducing mortality and excess morbidity through prevention and wellness and help focus future work to improve population health in appropriate areas.

In phase 1, the Health and Well-Being Standing Committee evaluated seven newly submitted measures and eight measures undergoing endorsement review. One measure was withdrawn from consideration at the request of the Committee and the developer and will be evaluated in Health and Well-Being phase 2. Most new measures were related to dental care and a breast cancer screening measure was updated to reflect current guidelines. The Standing Committee recommended 13 measures for endorsement while one measure was not recommended. The 13 measures (7 process measures and 6 outcome measures) were ratified for endorsement in October 2014 and the final technical report was posted to the NQF Health and Well-Being phase 1 project Web page and submitted to HHS in December 2014.

Phase 2 of the Health and Well-Being project launched in October 2014. The call for measures is open until January 16, 2015. In this phase, seven measures are undergoing maintenance review against NQF's measure evaluation criteria.

Patient safety measures. NQF has a 10-year history of focusing on patient safety. Through various projects, NQF has previously endorsed over 100 consensus standards related to patient safety. The Safe Practices, Serious Reportable Events (SREs), and NQF-endorsed patient safety measures are important tools for tracking and improving patient safety performance in American healthcare. However, gaps still remain in the measurement of patient safety. There is also a recognized need to expand available patient safety measures beyond the hospital setting and harmonize safety measures across sites and settings of care. In order to develop a more robust set of safety measures, NQF will be soliciting patient safety measures to address environment-specific issues with the highest potential leverage for improvement.

In phase 1, the Patient Safety Standing Committee evaluated 4 new measures and 12 measures undergoing maintenance review. Eight of the measures (five process measures and three outcome measures) were recommended for endorsement by the Committee, and eight were not recommended. In addition, the Patient Safety Standing Committee conducted an ad hoc review of measure 0500, *Severe Sepsis and Septic Shock: Management Bundle,* due to change in

the underlying evidence per a randomized control trial. The Committee recommended continued endorsement of this measure.

NQF opened the phase 2 call for measures for Patient Safety measures in 2014. The Steering Committee's evaluation will take place in 2015.

Musculoskeletal measures. This project focuses on both individual and composite measures inclusive of all aspects of musculoskeletal health for all populations, with an emphasis on disparate and vulnerable populations. Improvement efforts for musculoskeletal conditions include imaging for low back pain; screening, assessment, and therapies for rheumatoid arthritis; assessment, monitoring, and therapies in the treatment of gout; and timely pain management for long bone fracture which are consistent with the NQS triple aim and align with several of the NQS priorities. NQF selected the Musculoskeletal project as the first to pilot test the optional path of eMeasure trial approval, which is intended for eMeasures that are ready for implementation but cannot yet be adequately tested to meet NQF endorsement criteria. These measures are not recommended at this stage for use in accountability applications such as public reporting or payment, but they have been judged to be ready for implementation in real-world settings in order to generate the data required to assess reliability and validity. They may be considered for endorsement after sufficient data to assess reliability and validity testing have been submitted to NQF, within three years of trial approval.

In 2014, the Musculoskeletal Standing Committee evaluated eight new measures and four measures undergoing maintenance review. Three measures were recommended for endorsement, and four measures were recommended for eMeasure trial approval. All recommended measures were process measures and related to gout and rheumatoid arthritis.

Person- and family-centered care measures. Ensuring person- and family-centered care is a core concept embedded in the National Quality Strategy priority of ensuring that each person and family is engaged as partners in their care. Person- and family-centered care encompasses the outcomes of interest to patients receiving healthcare services, including health-related quality of life, functional status, symptoms and symptom burden, and experience with care as well as patient and family engagement in care, including shared decisionmaking and preparation and activation for self-care management. This project is focusing on patient-reported outcomes (PROs), but also may include some clinician-assessed functional status measures. NQF's *2012 project on PROs* [15] in performance measurement provides a basis for reviewing PRO-based performance measures, referred to as PRO–PMs.

NQF has identified 40 endorsed measures that are due for endorsement maintenance. Given the number and complexity of endorsed measures to review as well as an expectation of additional new measure submissions, NQF will undertake this project in two phases. Phase 1 examined experience with care measures, and phase 2 will review measures of functional status (clinician and patient-assessed).

In phase 1, the Standing Committee evaluated one new measure and 11 measures undergoing maintenance review. The Committee recommended 10 measures for endorsement; one measure was not recommended and one measure was withdrawn by the developer. The 10 recommended measures (all outcome measures) were ratified for endorsement in December 2014.

The second phase began in September 2014, and a total of 28 measures (14 new measures and 14 measures undergoing maintenance review) will be reviewed and evaluated. The majority of phase 2 measures are outcome measures with the exception of four process measures.

Surgery measures. The rate of surgical procedures is increasing annually. In 2010, 51.4 million inpatient surgeries were performed in the United States; 53.3 million procedures were performed in ambulatory surgery centers. Ambulatory surgery centers have been the fastest growing provider type participating in Medicare. As part of NQF's ongoing work with performance measurement for patients undergoing surgery, this project seeks to identify and endorse performance measures that address a number of surgical areas, including cardiac, thoracic, vascular, orthopedic, neurosurgery, urologic, and general surgery. This project will seek new performance measures in addition to conducting maintenance reviews of surgical measures endorsed prior to 2012 using the most recent NQF measure evaluation criteria.

In 2014, the Surgery Standing Committee evaluated 9 new measures and 20 measures undergoing maintenance review in phase 1. Twenty-one of these measures (10 outcome measures, 6 outcome measures, 2 composite measures, and 3 structural measures) were recommended (9 recommended for reserve status) for endorsement by the Committee, 7 were not recommended, and 1 was withdrawn by the developer.

Phase 2 of this project builds on the work of the previous Surgery Endorsement project, launched in 2013. Phase 2 will seek to identify and endorse new measures that can be used to assess surgical conditions at any level of analysis or setting of care, and review endorsed measures scheduled for maintenance. The call for measures under phase 2 was initiated in 2014 and closed on January 14, 2015. A total of 26 measures will undergo maintenance review in this phase.

Eye care and ear, nose, and throat conditions measures. This project seeks to identify and endorse performance measures for accountability that address eye care and ear, nose, and throat health. Nineteen measures will undergo maintenance review using NQF's measure evaluation criteria in the areas of glaucoma, macular degeneration, hearing screening and evaluation, and ear infections. NQF initiated the call for measures in 2014.

Renal measures. Renal disease is a leading cause of morbidity and mortality in the United States. This project will identify and endorse performance measures for accountability and quality improvement for renal conditions. Specifically, the work will examine measures that address conditions, treatments, interventions, or procedures relating to end-stage renal disease (ESRD), chronic kidney disease (CKD) and other renal conditions. Measures that address outcomes, treatments, diagnostic studies, interventions, and procedures associated with these conditions will be considered. In addition, 21 measures will undergo maintenance review using NQF's measure evaluation criteria. NQF opened a call for measures in 2014; it will remain open until February 27, 2015.

Advancing Measurement Science

In 2014, NQF was again asked to provide guidance on emerging areas of importance by bringing together experts and diverse stakeholders to achieve consensus on next steps in deciding whether or not it is appropriate to risk adjust measures for socioeconomic and sociodemographic factors and how to best define and construct episode groupers. The reports—*Risk Adjustment for Socioeconomic Status or Other Sociodemographic Factors* [16] and *Evaluating Episode Groupers: A Report from the National Quality Forum*,[17] *were completed to help advance the science of performance measurement.*

Risk Adjustment for Socioeconomic Status or other Sociodemographic Factors. With funding from HHS, NQF convened an Expert Panel tasked with considering whether to adjust performance measures for socioeconomic status (SES) and other demographic factors, including income, education, primary language, health literacy, race, and other factors. The Panel's report, released in August, has several major implications for NQF policy and the field of measurement.

Whether to adjust measures for SES and sociodemographic factors is of high interest to stakeholders who have passionate views and concerns on all sides of the issue. As a testament to these concerns, NQF received more public comments on this topic than any other project to date. All stakeholders expressed a need for performance measures to provide fair comparisons across those being measured, and also agreed that disparities in healthcare and health faced by disadvantaged patients should not be hidden. In addition there are major challenges for the providers and health plans that care for these disadvantaged populations that should not be ignored.

The Expert Panel recommended that measures should be adjusted for socioeconomic status if certain conditions are met. The panel further recommended that if a measure is adjusted for SES factors, the performance data must be stratified so that any disparities are made visible. The panel also made specific recommendations for operationalizing potential SES and sociodemographic adjustment, including guidelines for selecting risk factors and the kind of information to submit for measure review. Finally, the Panel recommended that NQF appoint a standing Disparities Committee which will ensure consistency in applying standards for SES adjusted measures and study whether or not there were unintended consequences when using such measures in the field.

Moving forward, NQF has accepted the recommendations of the Panel and will begin a two-year trial period in 2015 during which the previous NQF restriction against SES risk adjustment will be lifted.

Committees evaluating measures will be able to recommend that a measure be risk adjusted for socioeconomic or sociodemographic factors only if certain conditions are met. After the trial period concludes, NQF will determine if its criteria should be permanently changed to include SES adjustment under certain circumstances. In addition, work has begun to seat the new standing Disparities Committee. Additional details describing the trial period will be posted on the *NQF Web site* as they become available.

Episode Grouper Criteria. Episode-based performance measurement is one approach to better understanding the utilization and costs associated with certain conditions by grouping care into condition-specific or procedure-specific episodes. Episode grouper software tools are an accepted method for aggregating claims data into episodes to assess condition-specific utilization and costs. Using an episode grouper, healthcare services provided over a defined period of time can be analyzed and grouped by specific clinical conditions to generate an overall picture of the services used to manage that condition.

Section 3003 of the Patient Protection and Affordable Care Act (Affordable Care Act) Pub. L. 111–148, requires the Secretary of HHS to develop an episode grouper. With funding from HHS, NQF convened an Expert Panel to define the characteristics and challenges of constructing episode groupers; determine an initial set of criteria by which episode groupers could be evaluated; and identify implications and considerations for NQF endorsement of episode groupers. The panel did not focus on a particular grouper or product, but instead recommended criteria that can be applied to any episode grouper that may be submitted for evaluation.

The panel recommended the following submission items for evaluation: descriptive information on the intent and planned use of the grouper; the clinical logic and data required for grouping claims; and reliability and validity testing. In particular, the panel emphasized the importance of understanding the intent and planned use for evaluating potential threats to validity and possible unintended consequences of using the grouper.

Further input from NQF's Consensus Standards Approval Committee (CSAC) confirmed the complexity of issues regarding the evaluation of episode groupers. CSAC suggested that endorsement for episode groupers is premature, however, and acknowledged there is a need for: (1) A qualitative peer review process to initially evaluate episode groupers, and (2) a process to facilitate transparency for stakeholders about what is contained within episode groups. The framework outlined in the NQF report [18] addresses these needs and moves the field forward to eventual evaluation and endorsement of episode groupers.

The Panel also generally agreed that evaluation of the CMS public episode grouper would be a suitable starting point to learn and understand the feasibility of applying the approaches and criteria outlined in this report. In order to fully implement this process, additional work would be needed to refine the criteria and submission elements and build out a process for evaluation. Taking into account NQF's expertise, further efforts to explore groupers should focus on how the measures developed from an episode grouper can be evaluated and endorsed.

New Work Ahead

Since September 2014, HHS has awarded to NQF several additional endorsement projects as well as new conceptual work related to the use of HIT to further performance measurement, and work to develop measurement frameworks for both rural areas and home- and community-based services. The new endorsement work focuses on eye, ear, nose, and throat conditions, and renal care. NQF has begun these projects, as well as issuing calls for measures to be reviewed by expert panels and considered for endorsement.

Work Related to Facilitating eMeasurement

Implementation and adoption of health information technology (HIT) is widely viewed as essential to the transformation of healthcare. While the use of HIT presents many new opportunities to improve patient care and safety, it can also create new hazards, and will fulfill its potential only if the risks associated with its use are identified and a coordinated effort is developed to mitigate those risks.

An HIT-related safety event—sometimes called ''e-iatrogenesis''—has been defined as ''patient harm caused at least in part by the application of health information technology.'' [19] Detecting and preventing HIT-related safety events is challenging, because these are often multifaceted events, involving not only potentially unsafe technological features of electronic health records, for example, but also user behaviors, organizational characteristics, and rules and regulations that guide most technology-focused activities.

This project will be guided by a multistakeholder NQF Committee which includes experts in health information technology data systems and electronic health records, providers across different settings, front-line clinicians, public and private payers, and experts in patient safety issues related to the use of HIT. The

Committee will work to explore the intersection of HIT and patient safety in order to create a report that will provide a comprehensive framework for assessment of HIT safety measurement efforts, a measure gap analysis and recommendations for gap-filling, and best practices and challenges in measurement of HIT safety issues to-date. In 2014, NQF released a call for nominations and finalized the standing committee for this project.

In addition, NQF was awarded a project on value sets in late 2014 that will begin in 2015.

IV. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Measure Applications Partnership

Under section 1890A of the Act, HHS is required to establish a pre-rulemaking process under which a consensus-based entity (currently NQF) would convene multistakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures for use in certain federal programs. The list of quality and efficiency measures HHS is considering for selection is to be publicly published no later than December 1 of each year. No later than February 1 of each year, the consensus-based entity is to report the input of the multistakeholder groups, which will be considered by HHS in the selection of quality and efficiency measures.

The Measure Applications Partnership (MAP) is a public-private partnership convened by NQF, as mandated by the ACA (Pub. L. 111–148, section 3014). MAP was created to provide input to HHS on the selection of performance measures for more than 20 federal public reporting and performance-based payment programs. Launched in the spring of 2011, MAP is composed of representatives from more than 90 major private-sector stakeholder organizations, 7 federal agencies, and approximately 150 individual technical experts. For detailed information regarding the MAP representatives, criteria for selection to MAP and length of service, please see Appendix D.

MAP provides a forum to get the private and public sectors on the same page with respect to use of measures to enhance healthcare value. In addition, MAP serves as an interactive and inclusive vehicle by which the federal government can solicit critical feedback from stakeholders regarding measures used in federal public reporting and payment programs. This approach augments CMS' traditional rulemaking, allowing the opportunity for substantive input to HHS in advance of rules being issued. Additionally, MAP provides a unique opportunity for public- and private-sector leaders to develop and then broadly review and comment on a future-focused performance measurement strategy, as well as provide shorter-term recommendations for that strategy on an annual basis. MAP strives to offer recommendations that apply to and are coordinated across settings of care; federal, state, and private programs; levels of attribution and measurement analysis; payer type; and points in time.

In 2014, the MAP took on several diverse tasks focused on recommending measures for federal public reporting and payment programs; developing ''families of measures'' (groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals); and providing input on measures for vulnerable populations, including Medicare-Medicaid enrollees and adults and children enrolled in Medicaid.

2014 Pre-Rulemaking Input

On December 1, 2013, MAP received and began reviewing a list of 234 measures under consideration by HHS for use in more than 20 Medicare programs covering clinician, hospital, and post-acute care/long-term care settings. *The MAP Pre-Rulemaking Report: 2014 Recommendations on Measures Under Consideration by HHS* [20] represents the MAP's third annual round of input regarding performance measures under consideration for use in federal programs.

In this pre-rulemaking report issued in 2014, MAP recommended that HHS include 216 measures in different Medicare programs. As MAP supported some measures for use in multiple programs, this equaled 115 unique measures. Further, MAP recommended that HHS remove 48 measures from the programs. To sharpen its feedback, MAP provided new descriptions for its recommendations. Starting this year, it initiated the term ''conditional support'' in order to define explicit conditions that must be resolved before a measure receives MAP's full support for implementation. This designation, which replaces the previous option of ''supporting the direction'' of a measure, provides a clearer pathway for getting the measure into use.

MAP enhanced its 2014 pre-rulemaking process by utilizing the following approach (also contained in Appendix C of the pre-rulemaking report):

- MAP's deliberations were informed by its prior work, including its 2012 and 2013 pre-rulemaking reports, families of measures, and measure gaps previously identified across all MAP reports.
- MAP used its Measure Selection Criteria to evaluate existing measures in use by programs before receiving the new measures under consideration to help make meetings more efficient.
- Building upon its program measure set evaluations, MAP determined whether the measures on HHS' list of measures under consideration would enhance the program measure sets and provided rationales for its recommendations.
- Finally, after reviewing the measures under consideration, MAP reassessed the program measure sets for remaining high-priority gaps.

In its 2014 pre-rulemaking report, MAP noted some progress towards both measurement alignment—uniform use of measures across federal programs—and filling of measure gaps. In terms of measure alignment, MAP found that a majority of measures are being used in more than one HHS program. While this is promising, MAP noted the need to make further progress in using similar measures across a variety of public- and private-sector initiatives. In terms of measure gaps, MAP found similarly mixed results. Although there are now measures deployed to address areas in which there had previously been no meaningful way to measure performance, multiple gaps remain. These gaps include critical hospital safety measure gaps in the Inpatient Hospital Quality Reporting, Hospital Value-Based Purchasing, and Hospital Acquired Conditions Reduction Programs and clinician outcome measures for the Value-Based Payment Modifier and Physician Compare. MAP members have noted that they would like to see a more systematic assessment of ongoing progress towards gap-filling going forward.

2015 Pre-Rulemaking Input

In 2014, the MAP also began work on the 2015 Pre-Rulemaking Report. The four MAP workgroups—Clinician, Dual Eligible Beneficiaries, Hospital, and Post-Acute Care/Long-Term Care—met individually in December to review and provide input to the MAP Coordinating Committee on measure sets for use in federal programs addressing their respective populations. A report detailing recommended measures will be released on February 1, 2015. In addition, two topical pre-rulemaking reports will be issued in 2015, one on hospital and PAC/LTC programs (February 15, 2015) and another on clinician programs and cross-cutting measures (March 15, 2015).

Families of Measures: Affordability, Person- and Family-Centered Care, and Population Health

In 2014, HHS again tasked the MAP to identify new families of measures—groups of measures selected to work together across settings of care in pursuit of specific healthcare improvement goals—in three high-priority areas that relate to NQS priorities: Affordability, person- and family-centered care, and population health. In July 2014, the MAP Task Forces for the Affordability, Person- and Family-Centered Care, and Population Health topics released a final report, *Finding Common Ground for Healthcare Priorities: Families of Measures for Assessing Affordability, Population Health, and Person-and Family-Centered Care.*[21]

There were several cross-cutting issues that emerged across these three families of measures. First, measures need to be aligned with important concept areas, such as the aims of the NQS. Second, families of measures provide a tool that stakeholders can use to identify the most relevant available measures for particular measurement needs, promoting alignment by highlighting important measurement categories that can be applied to other measurement initiatives. And finally, while families include important current measures, there are not sufficient measures for assessing several priority areas within each family. This finding highlights the need for further development of measures in affordability, population health, and person- and family-centered care.

Affordability Family of Measures

Measurement plays a critical role in improving affordability. Rising healthcare costs are affecting all stakeholders, and all stakeholders have a shared responsibility for making care affordable. In order to help address this issue, MAP and NQF staff went through a multistage process to identify the most promising affordability measures to constitute a family of related measures. These measures were identified and selected based on evidence of impact, such as the leading causes of preventable death or the conditions associated with highest healthcare spending. Measures were then separated into two overarching categories, measures of current spending, and measures of cost drivers. A chart detailing the framework and measures identified for the Affordability Family are included in Appendix C of the report,[22] *Finding Common Ground for Healthcare Priorities: Families of Measures for Assessing Affordability, Population Health, and Person- and Family-Centered Care*.

On a broader level, MAP pointed out that the current United States health system is opaque in terms of price and cost. This lack of transparency is a challenge for patients who cannot find out in advance what any given healthcare service will cost. In addition, to fully understand efficiency and value, cost measures must be considered in conjunction with measures of quality. This would allow consumers to understand trade-offs between cost and quality and would allow the user to identify when cost can be reduced while maintaining or improving quality.

MAP also noted that current measures are limited in their ability to describe the full cost picture. In addition, MAP highlighted that there are direct and indirect costs from disease and treatment, and that current measures focus on direct costs while excluding indirect costs that may be significant for patients and families, *e.g.,* transportation to providers, lost income from missing work. An additional challenge is the limited number of composite measures that provide high-level information to consumers, payers, and purchasers and give them a big picture idea of affordability. Further work is needed to produce measures that comprehensively capture cost at multiple levels.

Population Health Family of Measures

Measuring the upstream determinants of health, both in healthcare and community settings, is critical for improving population health. Although it is important to focus on the health of the entire population, attention should also be given to health disparities and the unique needs of subpopulations. Focusing on interventions that both improve the health of people in geographic or geopolitical areas as well as population-based outcomes will help achieve the goals of the NQS. For the Population Health Family of Measures, MAP selected measures of clinical preventive services, such as screenings and immunizations, as well as a number of measures that address topics outside of the traditional healthcare system. In addition, MAP considered how measures could be used in applications such as a community health needs assessment and public health activities. This approach coincides with efforts to redirect focus from individual sick care to the health and well-being of populations.

MAP selected a family of population health measures based on an overarching framework and broad measurement domains which included consideration for measures of total population health, determinants of health, and health improvement activities. MAP refined this conceptual framework to identify topic areas that address key aspects of population health, with the final groupings largely aligning with the Healthy People 2020 Leading Health Indicator topic areas. A chart detailing the framework and measures identified for the Affordability Family are included in Appendix D of the report,[23] *Finding Common Ground for Healthcare Priorities: Assessing Affordability, Population Health, and Person- and Family-Centered Care.*

Person- and Family-Centered Care Family of Measures

Collaborative partnerships between persons, families, and their care providers are critical to enabling person- and family-centered care across the healthcare continuum. Family involvement has been correlated with improved patient and family outcomes and decreased healthcare costs. Given the positive impact that person- and family-centered care can have, measurement should strive to not only capture patients' experience of care but also include patient-reported measures that evaluate meaningful outcomes for those receiving care.

Working with a set of guiding principles for person- and family-centered care, MAP focused on creating a family of measures that covered five high priority topic areas: interpersonal relationships, patient and family engagement, care planning and delivery, access to support, and quality of life. A chart detailing the high-priority topic areas and measures identified for the Person- and Family-Centered Care Family of measures is included in Appendix E of the *report*,[24] *Finding Common Ground for Healthcare Priorities: Assessing Affordability, Population Health, and Person- and Family-Centered Care.* Also included under Appendix E is a crosswalk of all the pertinent CAHPS survey tools at the measure level to the topic areas within the family of measures.

2014 Input on Quality Measures for Dual Eligible Beneficiaries

In support of the NQS aims to provide better, more patient-centered care as well as improve the health of the U.S. population through behavioral and social interventions, HHS asked NQF to again convene a multistakeholder group via MAP to address measurement issues related to people enrolled in both the Medicare and Medicaid programs—a population often referred to as the ''dual

eligibles'' or Medicare-Medicaid enrollees. In August 2014, MAP released its fifth report focused on this population: *2014 Input on Quality Measures for Dual Eligible Beneficiaries.*[25]

In this report, MAP provided its latest guidance to HHS on the use of performance measures to evaluate and improve care provided to Medicare-Medicaid enrollees. Building on prior work in this area, MAP:

- Updated the Family of Measures for Dual Eligible Beneficiaries and described persistent gaps in measures;
- Explored strategies to improve health-related quality of life by fostering shared accountability across providers on a given team; and
- Described an approach to gathering feedback from stakeholders across the field using measures focused on Medicare-Medicaid enrollees to inform MAP's future decisionmaking.

The Family of Measures for Dual Eligible Beneficiaries is a group of 59 total measures determined to be the best available to address the needs of this unique population. It was updated in 2014 with the removal of two measures and the addition of one measure. The measures MAP removed related to e-prescribing and HIV screening, and were no longer NQF-endorsed or being maintained by their measure stewards. Three newly endorsed measures were considered for inclusion into the Family and one measure (NQF #2158 Payment-Standardized Medicare Spending Per Beneficiary) was added to address the important topic of cost. The Family still lacks an equivalent measure of costs incurred by Medicaid in caring for Medicare-Medicaid enrollees.

MAP also continued to monitor the pipeline of measures in development that are relevant to Medicare-Medicaid enrollees, including six measures NCQA is designing for use in managed long-term services and supports programs. Critical measure gap areas remain, including shared decisionmaking and psychosocial needs.

Since the start of MAP's work, quality of life has been identified as a high-leverage opportunity for improvement through measurement. MAP discussed methods for measuring and improving quality of life outcomes tied to long-lasting health conditions. Specifically, MAP's report describes how the medical model needs to be coupled with a social orientation to providing care and supports. Four tactics are explored: person- and family-centered care, team-based approaches to care, shared accountability, and shared decisionmaking. MAP looked to current examples of how quality of life has been quantified, including indicators and surveys such as the CMS CARE Tool that measures functional status, and the National Core Indicators survey that evaluates quality of life aspects as reported by consumers with developmental disabilities.

2014 Report on the Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid

MAP reviewed the Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid (Medicaid Adult Core Set) to carefully evaluate and identify opportunities to improve the measures in use. In doing so, MAP considered states' feedback from the first year of implementation and applied its standard Measure Selection Criteria. MAP supported the continued use of most measures in the Core Set to maintain stability for participating states. The committee recommended the removal of one measure (NQF #0063 Comprehensive Diabetes Care: LDL–C Screening) because clinical guidelines underpinning it are in flux. Additionally, MAP requested the phased addition of up to three measures to the Core Set, addressing the topics of diabetes care, medication management for asthma, and care transitions.

MAP recommended that HHS continue to support states' efforts to gather, report, and analyze data that inform quality improvement activities. The Medicaid core set program is still new, and uses of quality data are expected to gradually mature from an internal focus on accuracy and year-over-year improvement to a more sophisticated approach involving benchmarking and public reporting. At the same time, HHS and MAP remain conscious that states are voluntarily participating in submitting data on the Medicaid Adult Core Set and need to be mindful of that reality. The program measure set will continue to evolve in response to changing federal, state, and stakeholder needs and its maintenance should be considered a long-term strategic goal.

Strengthening the Core Set of Health Care Quality Measures for Children Enrolled in Medicaid and CHIP, 2014

HHS awarded NQF additional work in 2014 to assess and strengthen the Core Set of Health Care Quality Measures for Children Enrolled in Medicaid and CHIP (Child Core Set). Using a similar approach to its review of the Adult Core Set, MAP performed an expedited review over a period of ten weeks to provide input to HHS within the 2014 federal fiscal year. MAP considered states' feedback from their ongoing participation in the voluntary reporting program and applied its standard measure selection criteria to identify opportunities to improve the Child Core Set.

MAP supported the continued use of all but one measure in the Child Core Set—Percentage of Eligibles That Received Dental Treatment Services—because it is not actionable for quality improvement purposes. Additionally, MAP requested the phased addition of up to six measures to the Child Core Set, two of which are oral health measures that would serve as appropriate replacements for the measure suggested for removal. Other measures MAP recommended for addition address family experience of hospital care, suicide risk assessment for children and adolescents with major depression, and birth outcomes.

MAP members discussed numerous cross-cutting and strategic issues related to this reporting program, including limitations in the data infrastructure to support measurement, feasibility concerns for measures not specified for state-level analysis, and increasing alignment of Child Core Set measures with the Medicaid Adult Core Set and other quality reporting programs. A major strategic consideration for the future direction of the Child Core Set is the large volume of pediatric measures in development under the auspices of the AHRQ–CMS Pediatric Quality Measures Program (PQMP); these measures will become available for MAP's consideration over the course of the next year.

V. Gaps in Endorsed Quality and Efficiency Measures and Evidence and Targeted Research Needs

Under section 1890(b)(5)(iv) of the Act, the entity is required to describe gaps in endorsed quality and efficiency measures, including measures within priority areas identified by HHS under the agency's National Quality Strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps. Under section 1890(b)(5)(v) of the Act, the entity is also required to describe areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy and where targeted research may address such gaps.

MAP Pre-Rulemaking Input Related to Gap Filling

NQF continued in 2014 to address the need to fill measurement gaps to build on and supplement the analytic work

that has informed previous Measure Gap Analysis Reports as well as other MAP reports. However, much work remains to be done by measure developers, NQF, and many other entities to accelerate the closing of gaps.

With each MAP pre-rulemaking cycle, MAP examines progress on both alignment and measure gap-filling, and assesses how best to achieve these objectives. MAP's 2014 pre-rulemaking review of proposed measures submitted by HHS yielded a list of topic areas that needed measures that was largely the same as the one developed the previous year. Public commenters generally agreed with the gap areas identified on the NQF list, which include gaps in:

- Safety: Healthcare-associated infections, medication and infusion safety, perioperative/procedural safety, pain management, venous thromboembolism, falls and mobility, and obstetric adverse events;
- Patient and family engagement: Person-centered communication, shared decisionmaking and care planning, advanced illness care, and patient-reported measures;
- Healthy living: Well-being, healthy lifestyle behaviors, social and environmental determinants of health, social connectedness for people with long-term services and supports needs, sense of control/autonomy/self-determination, and safety risk assessment;
- Care coordination: Communication, care transitions, system and infrastructure support, and avoidable admissions and readmissions;
- Affordability: Ability to obtain follow-up care, total cost of care, consideration of patient out of pocket cost, and use of radiographic imaging in the pediatric population;
- Prevention and treatment of leading causes of mortality: Primary and secondary prevention, cancer, cardiovascular conditions, depression, diabetes, and musculoskeletal conditions.

MAP has observed mixed results in filling measure gaps. An example of a success story is the CAHPS In-Center Hemodialysis Survey measure (NQF #0258) for the ESRD Quality Incentive Program that MAP supported in its 2014 review because it fills a previously identified measure gap in consumers' experience of care. HHS now plans to implement this measure.

NQF is working with measure developers and other stakeholders to more rapidly expand the pipeline of new measures that may ultimately become endorsed. Such efforts include more frequent measure submission and endorsement review opportunities, consideration of new approaches to endorsement dependent on application, implementation of trial use endorsement designation for e-measures, and exploring the development of a measure incubator.

In the meantime, the drive to expeditiously fill measure gaps played a role in MAP's decision to support a limited number of measures—less than 20—that are currently not NQF-endorsed with expectations that they would be later reviewed for endorsement by NQF. MAP also noted critical measure gap areas during the creation of measure families. If maintained and applied broadly, measure families can help achieve increased alignment and keep attention focused on high-priority measure gaps. Public commenters expressed strong support for the use and continued development of MAP measure families.

Priority Setting for Health Care Performance Measurement: Addressing Performance Gaps in Priority Areas

In an effort to get more specific and detailed guidance to developers with respect to key measurement gap areas, HHS requested in 2013 that NQF recommend priorities for performance measurement development across five topics areas specified by HHS, including:

- Adult immunization—identifying critical areas for performance measurement to optimize vaccination rates and outcomes across adult populations;
- Alzheimer's disease and related dementias—targeting a high-impact condition with complex medical and social implications that impact patients, their families, and their caregivers;
- Care coordination—focusing on team-based care and coordination between providers of primary care and community-based services in the context of the ''health neighborhood'';
- Health workforce—emphasizing the role of the workforce in prevention and care coordination, linkages between healthcare and community-based services, and workforce deployment; and
- Person-centered care and outcomes—considering measures that are most important to patients—particularly patient-reported outcomes—and how to advance them through health information technology.

In 2014, NQF has completed these analyses through the use of topic-specific committees that were tasked with reviewing the evidence base and existing measures to identify opportunities for using performance measurement to improve health and healthcare, as well as to reduce disparities, costs, and measurement burden. After these environmental scans, the committees then developed measurement frameworks for each topic which helped identify measure gap areas. In 2014, NQF submitted five final reports to HHS (Adult Immunization, Care Coordination, Health Workforce, Person-Centered Care and Outcomes, and Alzheimer's Disease and Related Dementias). These five reports are described in more detail below.

Adult Immunization

The Adult Immunization Committee—with the help of an advisory group—submitted a report titled, *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for Adult Immunizations,*[26] in August 2014 that builds on concepts identified by the Quality and Performance Measures Workgroup of the HHS Interagency Adult Immunization Task Force, and seeks to illustrate measure gaps in specific age bands and special populations including young adults, pregnant women, the elderly, and adults overall.

A total of 225 unique measures or concepts were identified as relevant to adult immunization. An analysis of the identified measures showed that there is a plethora of measures that address influenza immunization (79 measures, 35 percent of identified measures) and pneumococcal immunization (60 measures, 27 percent of identified measures). The majority of measures identified in the environmental scan are process measures (69 percent) and only 4 of the 46 outcome measures are at the provider level; the majority are population and surveillance measures.

The Committee then developed and used a conceptual measurement framework to prioritize measurement needs and identify more than 30 potential measure gaps. The gaps were grouped into several measure categories requested by HHS: Adult vaccines for which there are no NQF-endorsed measures; vaccines for specific age groups consistent with the adult immunization schedule issued by Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP/CDC); vaccines for specific populations such as persons with diabetes or other chronic conditions; vaccines for healthcare personnel; composite measures including both immunizations alone and composite measures that include other clinical preventive services; outcome measures; and

measures for Immunization Information Systems.

The Committee then discussed the results at an in-person meeting and agreed upon the 10 measure gap priorities listed below.

Age-Specific Priorities

- HPV vaccination catch-up for females ages 19–26 years and for males-ages 19–21 years
- Tdap/pertussis-containing vaccine for ages 19+ years
- Zoster vaccination for ages 60–64 years
- Zoster vaccination for ages 65+ years (with caveats)

Composite Measure Priorities

- Composite including immunization with other preventative care services as recommended by age and gender
- Composite of Tdap and influenza vaccination for all pregnant women (including adolescents)
- Composite including influenza, pneumococcal, and hepatitis B vaccination measures with diabetes care processes or outcomes for individuals with diabetes
- Composite including influenza, pneumococcal, and hepatitis B vaccinations measures with renal care measures for individuals with kidney failure/end-stage renal disease (ESRD)
- Composite including Hepatitis A and B vaccinations for individuals with chronic liver disease
- Composite of all ACIP/CDC recommended vaccinations for healthcare personnel

To provide further guidance, the Committee also identified two short-term and long-term priorities from the list of 10 measure gap priorities above:

Short-Term Priorities:

- HPV vaccination catch-up for females ages 19–26 years and for males ages 19–21 years
- Composite of Tdap and influenza vaccination for all pregnant women (including adolescents)

Long-Term Priorities:

- Composite measures that include immunization with other preventive care services
- Composite measures for healthcare personnel of all ACIP/CDC recommended vaccines

Alzheimer's Disease and Related Dementias

The Alzheimer's Disease and Related Dementias Committee was charged with developing a conceptual measurement framework and recommending priorities for future performance measurement development in this area. NQF submitted a draft conceptual framework and environmental scan in February 2014 which was used by the committee to create their final report, *Priority Setting for Healthcare Performance Measurement: Alzheimer's.*[27]

The project's environmental scan yielded 125 dementia-specific performance measures. To identify measure gaps, NQF staff mapped these measures to the National Quality Strategy priority areas. This analysis showed that there is a need for performance measures focused on the well-being of caregivers, person- and family-centered measures, and outcome measures focused on quality of life and experience of care, and measures of affordability.

Using the information from the environmental scan, the Committee developed a conceptual measure framework and recommended priorities for future performance measurement development. Five measurement themes emerged as the committee deliberated: Importance of connection to community-based services, need for accountability at the community level, a focus on person- and family-centered approaches, diagnostic accuracy, and safety. The committee also recommended the following three areas as the highest priority for measure development: Composite measure of comprehensive diagnostic evaluation and needs assessment, composite measure of caregiver support, and measures to reflect a dementia-capable healthcare and community care system.

Finally, the Committee identified broad recommendations for performance measurement related to dementia as well as overarching policy recommendations. These recommendations included stratifying existing performance measures to assess quality of care for those with dementia, modifying the CAHPS surveys to allow proxy response for those with dementia so that their experience of care can be recorded, and using existing data sources to aid research that could identify those who should be assessed for cognitive impairment.

Care Coordination

The multistakeholder Expert Committee guiding this work focused on examining opportunities to measure care coordination, particularly between providers of primary care and health-related services provided in the community. The conceptual framework adopted by the Committee describes a three-way set of relationships between care recipients, clinics/clinicians, and community resources. The framework notes that the most powerful measures that could be developed would capture the interaction of all three elements. The Committee also provided additional recommendations to enhance the practice of care coordination itself.

The Care Coordination Committee framework builds on work from the Agency for Healthcare Research and Quality's *Care Coordination Measures Atlas* and their Clinical-Community Relationship Measurement concept. The project's environmental scan identified a total of 363 measures related to care coordination, most of which were general, and uncovered very few measures related to ongoing interactions between primary care and community-based service providers to support improved health and quality of life. In general, currently available measures are either too narrowly or too broadly designed to be actionable by providers of primary care. Further, no available measures directly apply to providers of community services.

The Committee recommended quick and deliberate action in their report, *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps in Care Coordination,*[28] particularly in filling performance measure gaps in four high-impact areas:

1. Linkages and synchronization of care and services to promote the purposeful collaboration of all members of a care team, achieved through continuous monitoring of individuals' care plans, multidirectional communication, and problem-solving.

2. Individuals' progression toward goals for their health and quality of life, with measurement centered on whether care recipients have a person-centered care plan and the support required to make reasonable progress toward their goals.

3. A comprehensive assessment process that incorporates the perspective of a care recipient and anyone who plays a role in addressing that person's needs; both medical and psychosocial risk factors should inform the determination of how to coordinate delivery of care and supports.

4. Shared accountability within a care team that hinges upon all team members understanding their responsibilities for contributing to progress toward the care recipient's goals.

Successful care coordination relies upon the execution of a care plan that includes a structured arrangement of standardized data elements. However, such standardization is not yet widespread and this has been a barrier to systematic measurement of care coordination activities.

Health Workforce

Achieving the National Quality Strategy's aims of better care, affordable care, and healthy people/healthy communities requires an adequate supply and distribution of a well-trained workforce. Therefore, in consultation with HHS and with input from advisory members, NQF developed a draft conceptual framework for measurement that captures elements necessary for successful and measureable workforce deployment. This framework provided the basis for the report, *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for the Health Workforce.*[29]

A total of 252 measures were identified in the environmental scan as potential health workforce measures. Large sets of measures were found related to training and development, mostly related to professional educational programs and the number of graduates in specific health professions. Although many measures of patient and family experience of care related to workforce performance were identified, few measures capturing workforce experience were found. Workforce capacity and productivity measures proved to have a substantial presence, especially those related to geographical distribution and skill mix.

Eight domains within the framework were identified as key areas for measurement:

1. Training, retraining, and development
2. Infrastructure to support the health workforce and to improve access
3. Retention and recruitment
4. Assessment of community and volunteer workforce
5. Experience (health workforce and person and family experience)
6. Clinical, community, and cross disciplinary relationships
7. Workforce capacity and productivity
8. Workforce diversity

Within the eight domains above, the Committee identified the five highest priority domains for measurement in the near term, and recommended concepts for measurement.

Public comments echoed the Committee's acknowledgement of new and future initiatives in this area, which will impact and improve workforce measurement, particularly those that capture person- and family-centered perspectives, and address vulnerable populations and under-resourced geographic areas. Future measure development could focus on measures of health workforce deployment and use resulting in the greatest impact on health outcomes.

Person-Centered Care and Outcomes

HHS charged NQF with convening a multistakeholder committee to prioritize the person- and family-centered care performance measurement gaps that need to be addressed. The Committee provided its recommendations in the report, *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps in Person-Centered Care and Outcomes.*[30]

The Committee highlighted three key principles that should inform the identification of measure concepts for person- and family-centered care. The concepts are:

- Selected and/or developed in partnership with individuals to ensure measures are meaningful to those receiving care;
- focused on the person's entire care experience, rather than a single setting, program, or point in time; and
- measured from the person's perspective and experience.

The Committee identified specific measure concepts for potential measure development, and recommended priorities for measuring performance on person- and family-centered care. Overarching recommendations included integrating individual and family input into performance measure development decisions, focusing measurement on person-reported experiences, going beyond silos of accountability and measurement by challenging the norms of the current healthcare environment, and considering how those being measured would act on the information.

In the short term, the Committee had several recommendations that could be implemented almost immediately by providers and healthcare systems when caring for patients. These recommendations include focusing on patients with higher levels of need such as those with comorbidities, advanced dementia and other serious illnesses; considering the use of Consumer Assessment of Healthcare Providers and Systems (CAHPS) performance measures; and convening CAHPS and Patient Reported Outcomes Measurement Information System (PROMIs) experts for mutual learning in applying new methods of measurement.

Identifying Other Measure Gaps

NQF identified additional high-priority measure gaps as a natural byproduct of NQF's endorsement and maintenance work. Those gaps are listed by topic area in Appendix E of this report.

In addition to identifying gaps through measure endorsement work and through the topical gaps reports, the Dual Eligible Beneficiaries Workgroup identified the following gaps in their report, *2014 Input on Quality Measures for Dual Eligible Beneficiaries*:[31]

- Goal-directed, person-centered care planning and implementation
- Shared decisionmaking
- Systems to coordinate healthcare with nonmedical community resources and service providers
- Beneficiary sense of control/autonomy/self-determination
- Psychosocial needs assessment and care planning
- Community integration/inclusion and participation
- Optimal functioning (*e.g.*, improving when possible, maintaining, managing decline)

Importantly, this list reflects the MAP's vision specifically for high-quality care for Medicare-Medicaid enrollees but also applies more broadly to the general population as MAP has articulated in previous reports. Identification of these gaps supports a philosophy about health that broadly accounts for individuals' health outcomes, personal wellness, social determinants (*e.g.*, housing, transportation, access to community resources), and desire for a more cohesive system of care delivery. Many gaps are long-standing, which underscores both the importance of nonmedical supports and services in contributing to improved healthcare quality and the difficulty of quantifying and measuring these factors as indicators of performance.

Specifically, MAP recommends for future measure development continuing a focus on topics that address the social issues that affect health outcomes in vulnerable populations, including individuals with a history of incarceration and veterans of military service. MAP will continue to communicate with measure developers and other stakeholders positioned to help fill measurement gaps.

Although MAP's work to-date on measure gaps—including the pre-rulemaking efforts and input from specific workgroups—is starting to bear fruit, persistent gaps across sectors, such as care coordination and patient experience of care, continue to frustrate measurement efforts. Current measures fail to capture the complex and dynamic array of conditions that are at play in an acutely or chronically ill person's life over time. Resources outside of MAP's control need to be allocated to research that can explore new methodologies for measurement of complex topics such as nonclinical processes and person-centered outcomes. However, MAP, in

coordination with NQF's larger initiatives, will continue to try to influence ongoing progress in filling measure gaps through its specific recommendations and by enhanced collaboration with other stakeholders.

VI. Conclusion and Looking Ahead

NQF has evolved in the 15 years it has been in existence and since it endorsed its first performance measures more than a decade ago. While its focus on improving quality, enhancing safety, and reducing costs by endorsing performance measures has remained a constant, its role has expanded through both public and private support, including from foundations and member dues.

More specifically, NQF has convened multiple private sector stakeholders to help inform the development and implementation of the first-ever National Quality Strategy and to advise CMS on selection of measures for 20 plus federal programs. Other examples of recent work beyond endorsement include an NQF-funded Kaizen, or lean, process improvement undertaken to streamline MAP and performance measurement processes in conjunction with CMS and ONC. In 2014, NQF also worked with CMS and America's Health Insurance Plans (AHIP) to identify a common, discrete set of aligned measures that both the public and private payers agree to request from physicians and other providers.

With respect to NQF's recent work through MAP to identify measure gaps in order to catalyze the field to fill them, several important conclusions have been drawn. MAP reported in its 2014 pre-rulemaking review of proposed measures that the topic areas that need measures were largely the same as from the previous year. Those gaps are in safety, patient and family engagement, healthy living, care coordination, affordability, and prevention and treatment of leading causes of mortality. Measure development in these areas should be a priority. NQF's initial efforts to define in detail measures needed in these and other high-priority areas may help fill these gaps. NQF is also exploring efforts to partner with other organizations to address persistent measure gaps, including potential development of a measure incubator.

In 2015, with funding from HHS, NQF is tackling several critical issues affecting healthcare quality and safety that will help advance the aims and priorities of the National Quality Strategy, as well as building on landmark work done in 2014 such as readmissions and issues regarding risk adjustment for socioeconomic and sociodemographic factors. The work in the year ahead will include NQF simultaneously culling and building out a measurement portfolio that drives the healthcare system to delivering higher value healthcare at lower cost. NQF will also serve as a forum for all stakeholders across the public and private sectors to contribute to furthering the future of measurement and quality improvement for the nation.

Appendix A: 2014 Activities Performed Under Contract With HHS

Description	Output	Status (as of 12/31/2014)	Notes/scheduled or actual completion date
1. Recommendations on the National Quality Strategy and Priorities			
Multistakeholder input on a National Priority: Improving Population Health by Working with Communities.	A common framework that offers guidance on strategies for improving population health within communities.	Phase 1 completed ...	Phase 1 completed August 2014.
		Phase 2 in progress.	Phase 2 in progress.
Multistakeholder input into the Quality Rating System.	Review and input into core measures and organization of information for the Health Insurance Marketplaces Quality Rating System.	Completed	Completed January 2014.
Multistakeholder Action Pathway Model in support of the Partnership for Patients (PfP) Initiative.	Quarterly reports and meetings detailing progress of three action teams addressing maternity care, readmissions, and patient and family engagement.	Completed	Quarterly meetings held on: • January 29, 2014 • April 24, 2014 • July 14, 2014 • October 3, 2014. Quarterly reports released on: • January 31, 2014 • April 30, 2014 • July 31, 2014 • October 15, 2014.
Common Formats for patient safety data	A set of comments and advice for further refining additional modules for the Common Formats, an AHRQ-based initiative that helps standardize electronic reporting of patient safety event data.	In progress	Completed-comments received in 2014 reviewed by Expert Panel and given to AHRQ.
2. Quality and Efficiency Measurement Initiatives			
Behavioral health	Set of endorsed measures for behavioral health.	Phase 2 Completed ..	Phase 2 endorsed 20 measures in May 2014.
		Phase 3 in progress ..	Phase 3 will be completed in May 2015.
Readmissions and all-cause admissions and readmissions measures and maintenance review.	Set of endorsed measures for admissions and readmissions.	In progress	Will be completed in March 2015.
Cost and resource use measures	Set of endorsed measures for cost and resource use.	Phase 2 in progress ..	Phase 2 will be completed in March 2015.
		Phase 3 in progress ..	Phase 3 will be completed in March 2015.

Description	Output	Status (as of 12/31/2014)	Notes/scheduled or actual completion date
Cardiovascular measures and maintenance review.	Set of endorsed measures for cardiovascular conditions.	Phase 1 Completed ..	Phase 1 completed November 2014.
		Phase 2 in progress ..	Phase 2 will be completed in July 2015.
		Phase 3 in progress ..	Phase 3 will be completed in April 2016.
Endocrine measures and maintenance review.	Set of endorsed measures for endocrine conditions.	Phase 1 Completed ..	Phase 1 was completed in November 2014.
		Phase 2 in progress ..	Phase 2 will be completed in February 2015.
		Phase 3 in progress ..	Phase 3 will be completed in September 2015.
Health and well-being measures and maintenance review.	Set of endorsed measures for health and well-being.	Phase 1 Completed ..	Phase 1 was completed in December 2014.
		Phase 2 in progress ..	Phase 2 will be completed in December 2015.
Patient safety measures and maintenance review.	Set of endorsed measures for patient safety	Phase 1 in progress ..	Phase 1 will be completed in January 2015.
		Phase 2 in progress ..	Phase 2 will be completed in February 2016.
Care coordination measures and maintenance review.	Set of endorsed measures for care coordination.	Completed	Was completed in November 2014.
Musculoskeletal measures and maintenance review.	Set of endorsed measures for musculoskeletal conditions.	In progress	Will be completed in January 2015.
Person- and family-centered care measures and maintenance review.	Set of endorsed measures for person- and family-centered care.	Phase 1 in progress ..	Phase 1 will be completed in March 2015.
		Phase 2 in progress ..	Phase 2 will be completed in August 2015.
Surgery measures and maintenance review	Set of endorsed measures for surgery	Phase 1 in progress ..	Phase 1 will be completed in February 2015.
		Phase 2 in progress ..	Phase 2 will be completed in October 2015.
Eye care, ear, nose, and throat conditions measures and maintenance review.	Set of endorsed measures for eye care, ear, nose, and throat conditions.	In progress	Final report will be completed in January 2016.
Renal measures and maintenance review	Set of endorsed measures for renal care	In progress	Final report will be completed in December 2015.
Episode grouper criteria	Report examining necessary submission elements for evaluation, as well as best practices for episode grouper construction.	Completed	Final report completed September 2014.
Prioritization and identification of health IT patient safety measures.	Report will provide a comprehensive framework for assessment of HIT safety measurement efforts.	In progress	Final report will be completed in February 2016.
Quality measurement for home and community-based services.	Report will provide a conceptual framework and environmental scan to address performance measure gaps in home and community-based services to enhance the quality of community living.	In progress	Final report will be completed in September 2016.
Risk Adjustment for socioeconomic status or other sociodemographic factors.	Report providing a set of recommendations on the inclusion of socioeconomic status and other sociodemographic factors in risk adjustment for outcome and resource use performance measures.	Completed	Final report completed August 15, 2014.
Rural health	This project will provide recommendations to HHS on performance measurement issues for rural and low-volume providers.	In progress	Final report will be completed in September 2015.
3. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities			
Recommendations for measures to be implemented through the 2014 federal rulemaking process for public reporting and payment.	Measure Applications Partnership Pre-Rulemaking Report: Input on Measures Under Consideration by HHS for 2014 Rulemaking.	Completed	Completed January 31, 2014.

Description	Output	Status (as of 12/31/2014)	Notes/scheduled or actual completion date
Recommendations for measures to be implemented through the 2015 federal rulemaking process for public reporting and payment.	Measure Applications Partnership Pre-Rulemaking Report: Input on Measures Under Consideration by HHS for 2015 Rulemaking.	In progress	Measure specific recommendations will be completed on February 1, 2015. Hospital, PAC/LTC Programmatic Report will be completed on February 15, 2015. Clinician and Cross Cutting Report will be completed on March 15, 2015.
Synthesizing evidence and convening key stakeholders to make recommendations on families of measures and risk adjustment.	New families of measures covering affordability, population health, and person- and family-centered care. Also a final set of recommendations focused on risk adjustment for resource use performance measures.	Completed	Completed July 1, 2014.
Identification of quality measures for dual-eligible Medicare-Medicaid enrollees and adults enrolled in Medicaid.	Annual input on the Initial Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid, and additional refinements to previously published Families of Measures.	Completed	Completed August 29, 2014. Next annual recommendations due by September 1, 2015.
Identification of quality measures for children in Medicaid.	Annual input on the Initial Core Set of Health Care Quality Measures for Children enrolled in Medicaid.	In Progress	Completed November 14th, 2014. Next annual recommendations due by September 1, 2015.
4. Gaps in Evidence and Targeted Research Needs			
Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for the Health Workforce.	Recommended sets of priorities for performance improvement for the health workforce.	Completed	Completed August 15, 2014.
Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for Adult Immunizations.	Recommended sets of priorities for performance improvement for adult immunizations.	Completed	Completed August 15, 2014.
Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps in Care Coordination.	Recommended sets of priorities for performance improvement for care coordination.	Completed	Completed August 15, 2014.
Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps in Person-Centered Care and Outcomes.	Recommended sets of priorities for performance improvement for person-centered care and outcomes.	Completed	Completed August 15, 2014.
Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for Alzheimer's Disease.	Recommended sets of priorities for performance improvement for person-centered care and outcomes.	Completed	Completed October 15, 2014.

Appendix B: Measure Evaluation Criteria

Measures are evaluated for their suitability based on standardized criteria in the following order:

1. Importance to Measure and Report: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#importance*
2. Scientific Acceptability of Measure Properties: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#scientific*
3. Feasibility: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#feasibility*
4. Usability and Use: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#usability*
5. Related and Competing Measures: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#comparison*

More information is available on the NQF Web site at: *http://www.qualityforum.org/docs/measure_evaluation_criteria.aspx#1_2*.

Appendix C: Federal Public Reporting and Performance-Based Payment Programs Considered by MAP

End-Stage Renal Disease Quality Incentive Program
Home Health Quality Reporting Program
Hospice Quality Reporting Program
Inpatient Rehabilitation Facility Quality Reporting Program
Long-Term Care Hospital Quality Reporting Program
Ambulatory Surgical Center Quality Reporting Program
Hospital-Acquired Condition Reduction Program
Hospital Inpatient Quality Reporting Program
Hospital Outpatient Quality Reporting Program
Hospital Readmission Reduction Program
Hospital Value-Based Purchasing Program
Inpatient Psychiatric Facility Quality Reporting Program
Prospective Payment System (PPS) Exempt Cancer Hospital Quality Reporting Program
Medicare and Medicaid Electronic Health Records (EHR) Incentive Programs
Medicare and Medicaid Electronic Health Records (EHR) Incentive Programs for Eligible Professionals
Medicare Shared Savings Program
Physician Quality Reporting System
Physician Feedback/Value-Based Payment Modifier Program
Physician Compare

Appendix D: MAP Structure, Members, and Criteria for Service

MAP operates through a two-tiered structure. Guided by the priorities and goals of HHS's National Quality Strategy, the MAP Coordinating Committee provides direction and direct input to HHS. MAP's workgroups advise the Coordinating Committee on measures needed for specific care settings,

care providers, and patient populations. Time-limited task forces consider more focused topics, such as developing ''families of measures''—related measures that cross settings and populations—and provide further information to the MAP Coordinating Committee and workgroups. Each multistakeholder group includes individuals with content expertise and organizations particularly affected by the work.

MAP's members are selected based on NQF Board-adopted selection criteria, through an annual nominations process and an open public commenting period. Balance among stakeholder groups is paramount. Due to the complexity of MAP's tasks, individual subject matter experts are included in the groups. Federal government *ex officio* members are nonvoting because federal officials cannot advise themselves. MAP members serve staggered three-year terms.

MAP members

Coordinating Committee

Committee Co-Chairs (Voting)

George J. Isham, MD, MS
Elizabeth A. McGlynn, Ph.D., MPP

Organizational Members (Voting)

AARP
Joyce Dubow, MUP
Academy of Managed Care Pharmacy
Marissa Schlaifer, RPh, MS
AdvaMed
Steven Brotman, MD, JD
AFL–CIO
Shaun O'Brien
American Board of Medical Specialties
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Amir Qaseem, MD, Ph.D., MHA
American College of Surgeons
Frank G. Opelka, MD, FACS
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Rhonda Anderson, RN, DNSc, FAAN
American Medical Association
Carl A. Sirio, MD
American Medical Group Association
Sam Lin, MD, Ph.D., MBA
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Marla J. Weston, Ph.D., RN
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Richard Gundling, FHFMA, CMA
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LeadingAge
Cheryl Phillips. MD, AGSF
Maine Health Management Coalition
Elizabeth Mitchell
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National Business Group on Health
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Centers for Medicare & Medicaid Services (CMS)
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Office of the National Coordinator for Health Information Technology (ONC)
Kevin Larsen, MD, FACP

Clinician Workgroup

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Dual Eligible Beneficiaries Workgroup

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Post-Acute Care/Long-Term Care Workgroup:

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Carol Raphael, MPA

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American Occupational Therapy Association
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American Physical Therapy Association
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American Society of Consultant Pharmacists
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Lisa C. Patton, Ph.D.

Appendix E: Specific Measure Gaps Identified Through 2014 Measure Endorsement Work

Cost and Resource Use

- Total cost of care
- Consumer out-of-pocket expenses
- Actual prices paid by patients and health plans
- Trends in cost performance over time at the health plan level
- Systematic cost drivers
- Costs rolled up from all levels of analysis which can be deconstructed to understand costs at lower levels of analysis

Behavioral Health

- Measures specific to child and adolescent behavioral health needs
- Outcome measures for substance abuse/dependence that can be used by substance use specialty providers
- Quality measures assessing care for persons with intellectual disabilities
- Quality measures that align indicators of clinical need and treatment selection and ideally, patient preferences
- Measures that assess aspects of recovery-oriented care for individuals with serious mental illness
- Measures related to coordination of care across sectors involved in the support of persons with chronic mental health problems
- Adapt measure concepts for inpatient care to other outpatient care settings
- Measures that assess whether evidence based psychosocial interventions are being applied consistent with their evidence base
- Expand the number of conditions for which quality of care can be assessed in the context of measurement-based care (*e.g.* suite of endorsed measures now available for depression)
- Measurement strategies for assessing the adequacy of screening and prevention interventions for general medical conditions
- Screening for alcohol and drugs
- Screening for post-traumatic stress disorder and bipolar disorder in patients diagnosed with depression

Cardiovascular

- Patient-reported outcome measures for heart failure symptoms and activity assessment
- Composite measures for heart failure
- Measures of cardiometabolic risk factors
- ''Episode of care'' composite measure for AMI that includes outcome as well as process measures
- Consideration of socioeconomic determinants of health and disparities
- Global measures of cardiovascular care

Care Coordination

- Measures focused on health information technology (IT), transitions of care, and structural measures
- Cross-cutting measures that span various types of providers and episodes of care. Such measures have the potential to be applied more broadly and be more useful for those with multiple chronic conditions
- Measures of patient-caregiver engagement
- Measures that evaluate ''system-ness'' rather than measures that address care within silos
- Outcome and composite measures, which are prioritized by both the Committee and MAP over individual process and structural measures, but with the recognition that some of these latter measures are valuable

Surgery

- Various specialty areas that are still in their infancy in terms of quality measurement, including orthopedic surgery, bariatric surgery, neurosurgery, and others
- Measures of adverse outcomes that are structured as ''days since last event'' or ''days between events''; this could help address some of the concerns about measuring low-volume events
- Measures around functional status or return to function after surgery, as well as other patient-centered and patient-reported outcomes like patient experience

Health and Well-Being

- Measures that assess social, economic, and environmental determinants of health
- Measures that assess physical environment (*e.g.,* built environments)
- Measures that assess policy (*e.g.,* smoke-free zones)
- Measures that assess health and well-being for specific sub-populations (*e.g.,* people with disabilities, elderly)
- Patient and population outcomes linked to improvement in functional status
- Counseling for physical activity and nutrition in younger and middle-aged adults (18 to 65 years)
- Composites that assess population experience

Endocrine

- Measures of other endocrine-related conditions, particularly thyroid disease, both for adults and for the pediatric population
- Incidence of heart attacks and strokes among persons with diabetes, measured at the health plan level
- Measures of overuse, particularly for thyroid conditions (*e.g.,* ultrasound for thyroid nodules, overdiagnosis/overtreatment of thyroid cancer)
- Measures for pre-diabetes/metabolic syndrome
- ''Delta'' measures for intermediate clinical outcomes (*e.g.,* LDL levels, HbA1c levels)
- Education measures (*e.g.,* for diabetes) that go beyond asking if education was provided and instead assesses whether the patient was able to understand and apply the education (needed at diagnosis, not just when complications arise)
- Measures that utilize other types of patient information (*e.g.,* time-in-range measures for patients with continuous glucose monitors)
- More complex measures, including composite measures for diabetes screening and for neuropathy care
- Measures of hypoglycemia among the elderly, including medication safety measures
- Measures focusing on the use of testosterone
- Measures of Body Mass Index (BMI) or in adult patients with diabetes mellitus
- Patient-centered measures of lifestyle management and health-related quality of life
- Access to care and medications
- Treatment preferences, psychosocial needs, shared decisionmaking, family engagement, cultural diversity, and health literacy
- Communication, coordination, and transitions of care
- General prevention and treatment of diabetes, as well as measures of the sequelae of diabetes
- Glycemic control for complex patients (*e.g.,* geriatric population, multiple chronic conditions) and for the pediatric population at the clinician, facility, and system levels of analysis
- Evaluation of bone density, and prevention and treatment of osteoporosis in ambulatory settings

Patient Safety

- Safety outcome measures, particularly mediation safety measures
- Radiation safety measures

Musculoskeletal

- Management of chronic pain
- Use of MRI for management of chronic knee pain
- Tendinopathy: evaluation, treatment, and management
- Outcomes: spinal fusion, knee and hip replacement
- Overutilization of procedures
- Secondary fracture prevention

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III. Secretarial Comments on the 2015 Annual Report to Congress and the Secretary

The 2015 Annual Report to Congress and the Secretary by the National Quality Forum (NQF) shows the range and complexity of issues that face all people and organizations working to improve the effectiveness and efficiency of health care quality measurement. Approximately 16 percent of 600 quality measures in NQF's portfolio of endorsed measures were removed and an almost equal percentage of new measures were added in 2014, indicating the dynamic and continuously evolving nature of the field of quality measurement. The substantial progress in strengthening the set of endorsed measures was facilitated by collaborations between NQF, the Centers for Medicare & Medicaid Services (CMS), the Office of the National Coordinator for Health Information Technology, and many other stakeholders that aimed to reduce the complexity of the measure endorsement process. The streamlined process that resulted enables more measures to be reviewed, considered for endorsement, and endorsed as appropriate.

Having a greater portfolio of endorsed measures is key to HHS' efforts to find better ways to deliver health care, pay providers, and keep people healthy and safe. HHS uses performance measures across many programs to achieve this. For example, the INR Monitoring for Individuals on Warfarin measure (NQF # 0555) is endorsed by the CBE and adds to the existing set of measures in the Centers for Medicare and Medicaid Services (CMS)'s medication management and clinical effectiveness portfolios. This measure is especially valuable, because it addresses an important issue that can be used to improve patient safety and is useful for many CMS initiatives (*e.g.,* CMS's Physician Quality Reporting System and the National Action Plan for Adverse Drug Event Prevention). The Cardiovascular Health Screening for people with Schizophrenia or Bipolar Disorder Who Are Prescribed Antipsychotic Medications measure (NQF # 1927) also is ''cross-cutting,'' applicable to measurement of such areas as care coordination and clinical effectiveness. Further, this measure can be applied to potentially reduce health disparities for individuals with mental illness and improve population health by incentivizing providers to better manage complex chronic conditions. In addition to HHS' use of NQF-endorsed measures in current programs, having a strong slate of endorsed measures overall will help HHS in its plans to move the Medicare program, and the health care system at large, toward paying providers based on the quality, rather than the quantity, of care they give patients.

However, this report also presents some weaknesses in the current portfolio of endorsed measures available to evaluate health care. With respect to healthcare quality, NQF identified that some gaps remain in certain measure categories: (1) patient safety (especially for settings other than hospitals), (2) patient and family engagement, (3) healthy living, (4) care coordination, (5) affordability, and (6) prevention and treatment of leading causes of mortality. The report also highlights the need for measures of population health, person- and family-centered care, and for measures of the intersection of health information technology (HIT) and health care safety. With respect to measures of the *efficiency* of healthcare, NQF's report also calls attention to the need for better measures of the price and cost of health care, noting that current measures focus on direct costs while excluding indirect costs that may be significant for persons and families, *e.g.,* transportation to and from providers and lost income from missing work. NQF reports that much work remains to close the gaps in the set of endorsed measures currently available.

This report also calls attention to the need to increase our knowledge about how best to use measures of health care quality and efficiency. For example, as healthcare providers increasingly grapple with the need to accommodate patient differences including patient preferences, social, cultural, economic, and demographic factors in order to help people be healthy and safe, public reporting and value based payment programs also need to understand the extent to which (and if so, how) sociodemographic factors should be

incorporated into their quality measurements. Similarly, NQF's committee studying the use of episode groupers affirmed their value to performance measurements, but also concluded that endorsement of any particular episode grouper is not yet possible and set forth an agenda for additional work.

These complexities in the science of measurement are mirrored by the complexities faced by consumers when using quality and efficiency measures to select health plans and providers. The NQF project undertaken to provide input on the measures and the hierarchy for HHS' proposed Quality Rating System to help consumers select qualified health plans through Health Insurance Marketplaces documented the need for such rating systems to pay attention not just to *what* measures should be presented to consumers, but also *how* the measures should be displayed to consumers. It documented the need for such efforts to test all aspects of information displays with diverse populations, to incorporate provider-level quality information within health plan quality information, to provide functionality that allows consumers to customize and prioritize information to assist in their unique decision-making processes; and for such rating systems to continue to evolve as new measures are developed. Accomplishing this will help HHS provide better information to consumers for informing their choices about qualified health plans in the Marketplaces.

Increasing the number and comprehensiveness of endorsed measures, producing new knowledge to inform how best to deploy such measures, and making measures of quality and efficiency readily available and understandable to all stakeholders are critical components of HHS' work in strengthening the health care delivery system and helping people stay healthy and safe. HHS recognizes the success of the National Quality Forum in bringing together diverse stakeholders and fostering consensus to advise HHS' efforts in these areas. In addition, we appreciate the many people who participate in NQF's consensus projects by contributing their time and expertise in quality measurement. In this report, NQF notes that just one of its projects—the public-private Measure Applications Partnership (MAP), which provides input on the selection of performance measures for more than 20 Medicare public reporting and performance-based payment programs—now involves approximately 150 healthcare leaders and experts from nearly 90 private-sector organizations as well as liaisons from seven different federal agencies.

Stakeholders convened by NQF include entire communities as well. Participants in the population health initiative undertaken by NQF on behalf of HHS include the Colorado Department of Health Care Policy and Financing; the Community Service Council of Tulsa, Oklahoma; the Designing a Strong and Healthy NY (DASH–NY) coalition of New York, NY; the Empire Health Foundation of Spokane, Washington; the Kanawha Coalition for Community Health Improvement of Charleston, West Virginia; Mercy Medical Center and Abbe Center for Community Mental Health—A Community Partnership with Geneva Tower, Cedar Rapids, Iowa; the Michigan Health Improvement Alliance of Central Michigan; Oberlin Community Services and The Institute for eHealth Equity, in Oberlin, Ohio; Trenton Health Team, Inc., in Trenton, New Jersey; and The University of Chicago Medicine Population Health Management Transformation initiative.

Such coalitions remind us that it takes all stakeholders working together to achieve better health care and health.

HHS thanks the NQF for this past year's work and for bringing together diverse stakeholders to achieve consensus in key performance measurement areas. We look forward to continuing to work together to advance the science and achieve the benefits of performance measurement.

IV. Future Steps

NQF annually undertakes several activities which constitute a recurring agenda. These include, for example, the endorsement and maintenance of standardized health care performance measures and making recommendations on measures under consideration by HHS for use in its many Medicare quality reporting and payment programs. In the coming year, in addition to the work on these ongoing annual projects, HHS will closely follow the progress of several special projects underway by NQF. In particular, NQF's two-year trial period which will test specific recommendations for attending to potential socioeconomic and sociodemographic factors in quality measurement is of interest. This project, added to analyses already underway by HHS in response to the *Improving Medicare Post-Acute Care Transformation Act of 2014* will provide a better understanding of how to address these factors in quality measurement, reporting and payment policy.

A second NQF special project focusing on population health, including community action to promote healthy living, will also contribute to the knowledge base of how to address social determinants of health as we seek to create a health care system that promotes prevention and wellness and keeps people healthy. This project also responds to one of the CBE duties (specified at Section 1890(b)(7)(a)(ii) of the Act) which requires the CBE to convene multi-stakeholder groups to provide input on national priorities for improvement in population health as identified in the national strategy. Specifically, one of the national strategy's three aims is to: ''Improve the health of the U.S. population by supporting proven interventions to address behavioral, social, and environmental determinants of health in addition to delivering higher-quality care.'' And one of the NQS' six priorities calls for ''Working with communities to promote wide use of best practices to enable healthy living.'' To successfully address this aim and priority, multi-stakeholder input is needed on how federal, state and local governments and private sector community stakeholders can most effectively engage in:

1. ''Supporting proven interventions to address behavioral, social, and environmental determinants of health;'' and

2. ''Working with communities to promote wide use of best practices to enable healthy living.''

Other special projects to address gaps in measures for people dually eligible for Medicaid and Medicare services, and people who use long term care services and supports are also of great interest. HHS also will be following the progress of a special project to achieve greater consistency in the definitions of some of the data elements that comprise measures derived from electronic health records. Having consistent definitions of these data elements will enable these measures to perform more reliably, and promote more efficient assessment, endorsement and maintenance of measures derived from electronic data sources.

HHS will also seek to address gaps in measures identified in NQF's report, as HHS pursues new measure development and application in its value-based purchasing, public reporting, and other quality measurement and improvement initiatives.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements.

Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Dated: August 24, 2015.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[1] Throughout this report, a summary of the relevant statutory language appears in italicized text.

[2] Department of Health and Human Services (HHS). *Report to Congress: National Strategy for Quality Improvement in Health Care.* Washington, DC: HHS; 2011. Available at *http://www.ahrq.gov/workingforquality/nqs/nqs2011annlrpt.pdf.* Last accessed February 2015.

[3] National Quality Forum (NQF). *Report from the National Quality Forum: 2012 NQF Measure Gap Analysis.* Washington, DC: NQF, 2013. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=72981.* Last accessed February 2015.

[4] NQF. *MAP 2014 Recommendations on Measures for More Than 20 Federal Programs.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=74634.* Last accessed February 2015.

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[6] NQF. *Input on the Quality Rating System for Qualified Health Plans in the Health Insurance Marketplaces.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=74552.* Last accessed February 2015.

[7] Centers for Medicare & Medicaid Services (CMS) Web site. Welcome to the Partnership for Patients. Baltimore, MD: 2015. Available at *http://partnershipforpatients.cms.gov/.* Last accessed February 2015.

[8] NQF. *Maternity Action Team Action Pathway: Promoting Healthy Mothers and Babies.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77424.* Last accessed February 2015.

[9] NQF. Playbook for the Successful Elimination of Early Elective Deliveries. Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=idItemID=77396.* Last accessed February 2015.

[10] NQF. *Readmissions Action Team Action Pathway: Reducing Avoidable Admissions and Readmissions.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77291.* Last accessed February 2015.

[11] NQF. *Patient and Family Engagement Action Pathway: Fostering Authentic Partnerships between Patients, Families, and Care Teams.* Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77357.* Last accessed February 2015. Last accessed February 2015.

[12] NQF. *Risk Adjustment for Socioeconomic Status or Other Sociodemographic Factors.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77474.* Last accessed February 2015.

[13] NQF. *Evaluating Episode Groupers: A Report from the National Quality Forum.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77592.* Last accessed February 2015.

[14] NQF steering committees are comparable to the expert advisory committees typically convened by federal agencies.

[15] NQF Web site. Patient-Reported Outcomes. Available at *http://www.qualityforum.org/Projects/n-r/Patient-Reported_Outcomes/Patient-Reported_Outcomes.aspx.* Last accessed February 2015.

[16] NQF. *Risk Adjustment for Socioeconomic Status or Other Sociodemographic Factors.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77474.* Last accessed February 2015.

[17] NQF. *Evaluating Episode Groupers: A Report from the National Quality Forum.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77592.* Last accessed February 2015.

[18] NQF. *Evaluating Episode Groupers: A Report from the National Quality Forum.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77592.* Last accessed February 2015.

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[22] NQF. *Finding Common Ground for Healthcare Priorities: Families of Measures for Assessing Affordability, Population Health, and Person- and Family-Centered Care.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77001.* Last accessed February 2015.

[23] NQF. *Finding Common Ground for Healthcare Priorities: Families of Measures for Assessing Affordability, Population Health, and Person- and Family-Centered Care.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77001.* Last accessed February 2015.

[24] NQF. *Finding Common Ground for Healthcare Priorities: Families of Measures for Assessing Affordability, Population Health, and Person- and Family-Centered Care.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77001.* Last accessed February 2015.

[25] NQF. *2014 Input on Quality Measures for Dual Eligible Beneficiaries.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77520.* Last accessed February 2015.

[26] NQF. *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for Adult Immunizations.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77416.* Last accessed February 2015.

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[28] NQF. *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps in Care Coordination.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77422.* Last accessed February 2015.

[29] NQF. *Priority Setting for Healthcare Performance Measurement: Addressing Performance Measure Gaps for the Health Workforce.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77414.* Last accessed February 2010.

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[31] NQF. *2014 Input on Quality Measures for Dual Eligible Beneficiaries.* Washington, DC: NQF, 2014. Available at *http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=77520.* Last accessed February 2015.

[FR Doc. 2015–21549 Filed 9–3–15; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request National Children's Study (NCS) Data and Sample Archive and Access System

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 22, 2015, Vol. 80, No. 77 and allowed 60 days for public comment. One public comment was received. The purpose of this notice is to allow an additional 30 days for public comment. The *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Sarah L. Glavin, Deputy Director, Office of Science Policy, Analysis and Communication, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A18, Bethesda, Maryland 20892, or call a non-toll free number (301) 496–7898 or Email your request, including your address to *glavins@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: National Children's Study (NCS) Data and Sample Archive and Access System, 0925–NEW, National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: The primary use of this information collected from potential users of the NCS Data and Sample Archive and Access System is to document, track, and monitor its use. The purpose of the archive is to share data collected in the NCS Vanguard (OMB #0925–0593) with qualified users. Users will provide basic contact information, complete brief data user training, and agree to terms and conditions of data and archive use prior to accessing any data. A Research Plan describing the information and materials requested will also be required for access to certain types of research materials. This information is necessary to fulfill the requirements of the proposed research projects and will help NIH understand and evaluate the use of archived data and samples by the research community. OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 109.

ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Frequency of response	Average time per response (in hours)	Total annual burden hours
Vanguard Downloadable Data Access Form (Attachment A.1)	300	1	10/60	50
Vanguard Data Request Form (Attachment A.2)	50	1	20/60	17
Vanguard Specimen and Data Request Form (Attachment A.3)	50	1	30/60	25
Research Materials Distribution Agreement (Attachment A.4)	100	1	10/60	17

Dated: August 26, 2015.

Sarah L. Glavin,

Project Clearance Officer, Eunice Kennedy Shriver National Institute of Child Health and Human Development, Deputy Director, Office of Science Policy, Analysis, and Communications, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2015–22006 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR 14–260: Interventions for Health Promotion and Disease Prevention in Native American Populations (R01).

Date: September 30, 2015.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Cellular Signaling and Regulatory Systems Study Section.

Date: October 1, 2015.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW, Washington, DC 20036.

Contact Person: Elena Smirnova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187,

MSC 7840, Bethesda, MD 20892, 301–357–9112, *smirnove@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–14–228: Science Education Award Program (SEPA) grants.

Date: October 6, 2015.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurogenesis and Cell Fate Study Section.

Date: October 7, 2015.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View Hotel, 2800 South Potomac Avenue, Arlington, VA 22207.

Contact Person: Joanne T Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Skeletal Muscle and Exercise Physiology Study Section.

Date: October 8–9, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.

Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551 *ingrahamrh@mail.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Membrane Biology and Protein Processing Study Section.

Date: October 8–9, 2015.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Janet M Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 31, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21941 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel NCI R03 & R21 Omnibus SEP–6.

Date: October 8–9, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dona Love, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W236, Rockville, MD 20850, 240–276–5264, *donalove@mail.nih.gov*

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Omnibus SEP–4.

Date: October 14–15, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Ballroom A, Bethesda, MD 20814.

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Rockville, MD 20850, 240–276–6343, *schweinfestcw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel ETCTN Applications Review.

Date: October 22, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850.

Contact Person: Shamala K. Srinivas, Ph.D., Scientific Review Officer, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Bethesda, MD 20892, 240–276–6442, *ss537t@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Training SEP.

Date: October 22, 2015.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W126, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Caron A. Lyman, Ph.D., Chief, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Bethesda, MD 20892–8328, 240–276–6348, *lymanc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel NCI R01 Review.

Date: October 23, 2015.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications,

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W126, Rockville, MD 20850, (Telephone Conference Call),

Contact Person: Caron A. Lyman, Ph.D., Chief, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Bethesda, MD 20892–8328 240–276–6348, *lymanc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 31, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21943 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Live Attenuated Vaccine To Prevent Disease Caused by West Nile Virus

Description of Technology: West Nile virus (WNV) has recently emerged in the U.S. and is considered a significant emerging disease that has embedded itself over a considerable region of the U.S. WNV infections have been recorded in humans as well as in different animals. From 1999–2014, WNV killed 1,765 people in the U.S. and caused severe disease in more than 41,762 others. This project is part of NIAID's comprehensive emerging infectious disease program.

The methods and compositions of this invention provide a means for prevention of WNV infection by immunization with attenuated, immunogenic viral vaccines against WNV. The invention involves a chimeric virus form comprising parts of WNV and Dengue virus. Construction of the hybrids and their properties are described in detail in multiple publications. The WNV chimeric vaccine does not target the central nervous system, which would be the case in an infection with wild type WNV. Importantly, two successful Phase I clinical trials were recently carried out with the vaccine. The live attenuated WNV vaccine is safe, well-tolerated, and immunogenic in healthy adult volunteers. Furthermore, the vaccine virus may also be considered for use as a safe reagent handled at bio-safety level 2 facilities for WNV diagnosis and surveillance.

Potential Commercial Applications

- Human West Nile vaccine
- Veterinary West Nile vaccine
- West Nile Virus diagnostics
- West Nile Virus therapeutics

Competitive Advantages

- Low cost of manufacture
- Proven chimeric vaccine technology
- Phase I clinical data available

Development Stage

- In vivo data available (animal)
- In vivo data available (human)

Inventors: Alexander G. Pletnev, Robert M. Chanock, Joseph R. Putnak, Brian R. Murphy, Joseph E. Blaney, Stephen S. Whitehead (all of NIAID)

Publications

1. Pletnev AG, et al. West Nile virus/dengue type 4 virus chimeras that are reduced in neurovirulence and peripheral virulence without loss of immunogenicity or protective efficacy. Proc Natl Acad Sci USA. 2002 Mar 5;99(5):3036–41. [PMID 11880643]
2. Pletnev AG, et al. Molecularly engineered live-attenuated chimeric West Nile/dengue virus vaccines protect rhesus monkeys from West Nile virus. Virology. 2003 Sep 15;314(1):190–5. [PMID 14517072]
3. Hanley KA, et al. Infectivity of West Nile/dengue chimeric viruses for West Nile and dengue mosquito vectors. Vector Borne Zoonotic Dis. 2005 Spring;5(1):1–10. [PMID 15815144]
4. Pletnev AG, et al. Chimeric West Nile/dengue virus vaccine candidate: preclinical evaluation in mice, geese and monkeys for safety and immunogenicity. Vaccine. 2006 Sep 29;24(40–41):6392–404. [PMID 16831498]
5. Durbin AP, et al. The live attenuated chimeric vaccine rWN/DEN4delta30 is well-tolerated and immunogenic in healthy flavivirus-naïve adult volunteers. Vaccine. 2013 Nov 19;31(48):5772–7. [PMID 23968769]
6. Maximova OA, et al. Assurance of neuroattenuation of a live vaccine against West Nile virus: a comprehensive study of neuropathogenesis after infection with chimeric WN/DEN4delta30 vaccine in comparison to two parental viruses and a surrogate flavivirus reference vaccine. Vaccine. 2014 May 30;32(26):3187–97. [PMID 24736001]

Intellectual Property: HHS Reference No. E–357–2001/1—

- US Patent No. 8,778,671 issued 15 Jul 2014
- US Patent Application No. 14/305,572 filed 16 Jun 2014
- Various international patents/applications issued/pending

Licensing Contact: Peter Soukas; 301–435–4646; *ps193c@nih.gov.*

Three-Dimensional Curved Catheter for Right Atrial Appendage Traversal

Description of Technology: Available for licensing and commercial development is a three-dimensionally configured curved catheter for safe traversal of the right atrial appendage (RAA). The device is configured to optimize one-way access of the pericardial space through the right atrium and into the RAA reducing the risk of coronary lacerations. Specifically the curved catheter is best described in three segments: a proximal segment, a transitional segment and a distal segment; the transition segment having a clockwise spiral shaped curvature. When inserted into a patient, the proximal segment is positioned within the inferior vena cava, the transition segment extends across the caval-atrial junction and curves rightward, forward, and upward such that the catheter abuts a right lateral wall of the right atrium, and the distal segment curves leftward, forward, and upward from the transition segment through the right atrium such that the catheter abuts an anterior wall of the right atrium adjacent to the RAA. The catheter is configured to guide a coaxial puncturing device to through the superior left sulcal wall of the RAA.

Potential Commercial Applications

- Left atrial appendage ligation
- Circumferential tricuspid annuloplasty
- Epicardial ablation

Competitive Advantages: Reduced risk of coronary or myocardial laceration

Development Stage

- Early-stage
- Prototype

Inventors: Robert Lederman (NHLBI), Toby Rogers (NHLBI), Nasser Rafiee (Mehr Medical), Adam Greenbaum (Henry Ford Hospital), William O'Neill (Henry Ford Hospital).

Intellectual Property: HHS Reference No. E–078–2015—US Provisional Patent Application 62/162,453 filed May 15, 2015.

Related Technologies: HHS Reference No. E–027–2013; HHS Reference No. E–115–2013; HHS Reference No. E–018–2014; and HHS Reference Nos. E–068–2014/E–124–2014.

Licensing Contact: Michael Shmilovich, Esq.; 301–435–5019; *shmilovm@mail.nih.gov*

Collaborative Research Opportunity: The National Heart, Lung and Blood Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize devices for pericardial interventional procedures. For collaboration opportunities, please contact Peg Koelble at 301–594–4095 or *koelblep@nhlbi.nih.gov.*

Pseudomonas Exotoxin A With Modified Furin Cleavage Site

Description of Technology: Immunotoxins kill cancer cells while allowing healthy, essential cells to survive. As a result, patients receiving immunotoxins are less likely to experience the deleterious side-effects associated with non-specific therapies such as chemotherapy. In order to make an effective immunotoxin, three components are generally required: A targeting domain, a furin cleavage site (FCS), and a toxic payload molecule (such as *Pseudomonas* exotoxin A (PE)). The purpose of the FCS is to allow the toxin domain to be processed by the target cell so that it can exert its toxic effect. This technology concerns the engineering of FCS in order to improve the efficacy of specific immunotoxins having distinct targeting domains. Several novel FCS have been generated which can be substituted for the native FCS in PE. By using specific FCS with different targeting moieties, it is possible to engineer an immunotoxin that is better suited to treating specific types of cancer.

Potential Commercial Applications

- Essential for the payload component of immunotoxins
- Treatment of any disease associated with increased or preferential expression of a specific cell surface receptor
- Specific diseases include hematological cancers, lung cancer (including mesothelioma), ovarian cancer, breast cancer, and head and neck cancers

Competitive Advantages

- Designing specific furin cleavage sites for particular immunotoxins can improve cleavage and enhance toxin efficacy, resulting in improved therapeutic effectiveness
- Targeted therapy decreases non-specific killing of healthy, essential cells, resulting in fewer non-specific side-effects and healthier patients

Development Stage: In vitro data available.

Inventors: Ira Pastan et al. (NCI).

Publications

1. Weldon JE, et al. Designing the furin-cleavable linker in recombinant immunotoxins based on Pseudomonas exotoxin A. Bioconjug Chem. 2015 Jun 17;26(6):1120–8. [PMID 25997032]
2. Weldon JE, et al. A protease-resistant immunotoxin against CD22 with greatly increased activity against CLL and diminished animal toxicity'' Blood. 2009 Apr 16;113(16):3792–800. [PMID 18988862]

Intellectual Property: HHS Reference No. E–197–2015/0–US–01—US Provisional Application No. 62/163,667 filed May 19, 2015.

Related Technologies

- HHS Reference E–262–2005/0
- HHS Reference E–292–2007/0
- HHS Reference E–269–2009/0
- HHS Reference E–174–2011/0
- HHS Reference E–263–2011/0

Licensing Contact: David A. Lambertson, Ph.D.; 301–435–4632; *lambertsond@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Pseudomonas Exotoxin A with Modified Furin Cleavage Site. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Dated: August 31, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–21940 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent Commercialization License: Cerclage Annuloplasty Devices for Treating Mitral Valve Regurgitation

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR 404, that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a worldwide exclusive license to practice the inventions embodied in:

NIH Ref No.	Patent application No.	Filing date	Title
E–048–2009/0–US–01	61/157,267	March 4, 2009	Cerclage Locking Device And Delivery System.
E–048–2009/0–PCT–02	PCT/US2010/026245	March 4, 2010	Cerclage Locking Device And Delivery System.
E–048–2009/0–US–03	13/254,160	March 4, 2010	Cerclage Locking Device And Delivery System.
E–108–2010/0–US–01	61/383,061	September 15, 2010	Methods and Devices For Transcatheter Cerclage Annuloplasty.
E–108–2010/0–PCT–02	PCT/US2011/51748	September 15, 2011	Methods and Devices For Transcatheter Cerclage Annuloplasty.
E–108–2010/0–EP–03	11760945.3	September 15, 2011	Methods and Devices For Transcatheter Cerclage Annuloplasty.
E–108–2010/0–US–04	13/824,198	March 15, 2013	Methods and Devices For Transcatheter Cerclage Annuloplasty.

To Transmural Systems, LLC, a limited liability company incorporated under the laws of the State of Massachusetts and having its principle place of business in Andover, Massachusetts.

The contemplated exclusive license may be limited to cerclage annuloplasty devices for treating mitral valve regurgitation.

DATES: Only written comments and/or applications for a license that are received by the NIH Office of Technology Transfer on or before October 5, 2015 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Michael Shmilovich, Esq. Senior Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5019; Facsimile: (301) 402–0220; Email: *shmilovm@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

E–048–2009

The invention relates to a device that can be used to non-invasively secure surgical suture loops when combined with a percutaneous delivery system. It has been shown to be effective in correcting mitral valve regurgitation (MVR) in an animal model. During the procedure, a guidewire is percutaneously conveyed to the atrium of the heart and is used to secure the ''cerclage'' suture encircling the mitral valve annulus, which is delivered using a delivery catheter. The locking device is advanced over the suture by the delivery catheter and it permanently secures the suture and maintains the tension on the annulus once the delivery system is removed. This locking device, in combination with the percutaneous procedure, allows for more complete coaptation of the valve leaflets and correction of MVR without the need for open heart surgery and its associated risks. The locking device is also adjustable, allowing the user to vary the tension on the suture if further tightening or loosening is required. It is also MRI compatible and all follow-up studies can be performed under MRI. This invention demonstrated its ability to correct MVR in animals where the locking device was observed to maintain the correct position and tension after implantation. This device has the potential to replace the traditional loop and knot method used for surgical correction of MVR, and may also be useful for other conditions that require permanently secured suture loops.

E–108–2010

The invention relates to techniques and devices for cardiovascular valve repair, particularly annuloplasty techniques and devices in which tensioning elements are positioned to treat regurgitation of the mitral valve or tricuspid valve. More specifically, the technology pertains to a new device for myocardial septal traversal (''cerclage reentry'') that also serves to capture (ensnare) and externalize the traversing guidewire. The focus of the invention is to avoid a phenomenon in cardiac surgery known as ''trabecular entrapment.'' The device features an expandable and collapsible mesh deployed in the right ventricle to simplify capture of a reentering guidewire during transcatheter cerclage annuloplasty. The wire mesh exerts pressure against trabecular-papillary elements of the tricuspid valve to displace them against the right ventricular septal wall. By abutting the right ventricular reentry site of the cerclage guidewire, trabecular entrapment is avoided. The device comprises a shaft having a distal loop which provides a target in the interventrical myocardial septum through which a catheter-delivered tensioning system is guided. The loop ensnares the catheter-delivered tensioning system as it reenters the right ventricle or right atrium. The expandable and collapsible mesh is disposed within the right ventricle such that the catheter-delivered tensioning system is directed from the ventricular septum into the right ventricular cavity through only a suitable opening in the mesh and such that the catheter delivered tensioning system is captured or ensnared within the mesh opening.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404. Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: September 1, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–21969 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentablematerial, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group Surgery, Anesthesiology and Trauma Study Section.

Date: October 7–8, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review,National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170, *luow@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences IntegratedReview Group Integrative Nutrition and Metabolic Processes Study Section.

Date: October 8–9, 2015.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Long Beach, 500 E 1st Street, Long Beach, CA 90802.

Contact Person: Gregory S Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 6156, Bethesda, MD 20892–7892, (301) 435–0492, *shelnessgs@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated, Review Group, Molecular and Cellular Endocrinology Study Section.

Date: October 8–9, 2015.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Long Beach, 500 East First Street, Long Beach, CA 90802.

Contact Person: John Bleasdale, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170

MSC 7892, Bethesda, MD 20892, (301) 435–4514, *bleasdaleje@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group Prokaryotic Cell and Molecular Biology Study Section.

Date: October 12–13, 2015.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, (301) 326–9721, *Lorangd@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group Arthritis, Connective Tissue and Skin Study Section.

Date: October 13–14, 2015.

Time: 830 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Agenda: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Aftab A Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301–237–9931, *ansaria@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group Biomaterials and Biointerfaces Study Section.

Date: October 14–15, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Agenda: Crowne Plaza Old Town Alexandria, 901 North Fairfax Street, Alexandria, VA 22314.Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408–9465, *moscajos@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Academic Research Enhancement Award.

Date: October 14, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1784, *gorshkoi@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Oral, Dental and Craniofacial Sciences Study Section.

Date: October 15–16, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Modeling and Analysis of Biological Systems Study Section.

Date: October 15–16, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301–435–2204, *girouxcn@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group, Kidney Molecular Biology and Genitourinary Organ Development.

Date: October 15, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Ryan G Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group, Vaccines Against Microbial Diseases Study Section.

Date: October 15–16, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Pathogenic Eukaryotes Study Section.

Date: October 15–16, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Marriott Alexandria, 1456 Duke Street, Alexandria, VA 22314.

Contact Person: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–2306, *boundst@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Clinical Neuroimmunology and Brain Tumors Study Section.

Date: October 15–16, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Jay Joshi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892, (301) 408–9135, *joshij@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR Panel: Academic Industrial Partnership.

Date: October 15, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363,*wrightds@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 31, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21942 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group, Behavior and Social Science of Aging Review Committee.

Date: October 1–2, 2015.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kimberly Firth, Ph.D., National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *kimberly.firth@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 31, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21944 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent Commercialization License: Caval-Aortic Devices for Aortic Valve Replacement

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR 404, that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a worldwide exclusive license to practice the inventions embodied in: HHS Ref. No. E–553–2013/0, U.S. Provisional Patent Application No. 61/863,071, filed August 7, 2013; International Patent Application PCT/US2013/072344 filed November 27, 2013 entitled ''Transvascular and Transcameral Device Access And Closure,'' to Transmural Systems, LLC, a limited liability company incorporated under the laws of the State of Massachusetts and having its principle place of business in Andover, Massachusetts.

The contemplated exclusive license may be limited to caval-aortic devices for aortic valve replacement.

DATES: Only written comments and/or applications for a license that are received by the NIH Office of Technology Transfer on or before October 5, 2015 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Michael Shmilovich, Esq. Senior Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5019; Facsimile: (301) 402–0220; Email: *shmilovm@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The technology pertains to devices and methods for transcatheter correction of cardiovascular abnormalities and more specifically for the delivery of prosthetic valves to the heart. Featured is a device implant for closing a caval-aortic iatrogenic fistula created by the introduction of a transcatheter device from the inferior vena cava into the abdominal aorta. The occlusion device includes an expandable transvascular implant with an elastomeric surface capable of extending between a vein and artery which conforms to the boundaries of an arteriovenous fistula tract between the artery and vein. A guidewire channel is disposed within the occlusion device wherein the channel also has elastomeric wall surfaces that conform or can be expanded to the area so that it occludes the channel when the guidewire is not present. The implant is resiliently deformable into a radially compressed configuration for delivery through the catheter. When the device is not deformed into the radially compressed configuration, the distal end of the device is radially enlarged relative to the intermediate neck whereby the distal end forms an enlarged distal skirt, such as a disk or button shaped member. A polymer coating on the radially enlarged distal end conforms to the endoluminal aortic wall for deployment against an internal wall of the artery.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: September 1, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–21968 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel Menopause and Alzheimer's Disease.

Date: October 27, 2015.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maurizio Grimaldi, Ph.D., MD, Scientific Review Officer, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–496–9374, *grimaldim2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 31, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21945 Filed 9–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–USCG–2015–0676]

Merchant Marine Personnel Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Merchant Marine Personnel Advisory Committee. This Committee advises the Secretary of the Department of

Homeland Security on matters related to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards.

DATES: Completed applications should reach the Coast Guard on or before November 3, 2015.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the Merchant Marine Personnel Advisory Committee that identifies which membership category the applicant is applying under, along with a resume detailing the applicant's experience via one of the following methods:

- *By Email: davis.j.breyer@uscg.mil.*
- *By Fax:* (202) 372–8382.
- *By Mail:* Davis J. Breyer, Marine Transportation Specialist, Commandant (CG–OES–1), US Coast Guard Stop 7509, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593–7509.

FOR FURTHER INFORMATION CONTACT: Davis J. Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee; telephone 202–372–1445 or email at *davis.j.breyer@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this action is given under the Federal Advisory Committee Act, Title 5 United States Code Appendix. The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary; shall meet not less than twice each year; and may make available to Congress recommendations that the Committee makes to the Secretary. It may also meet for extraordinary purposes. Its subcommittees and working groups may also meet to consider specific tasks as required.

Each Merchant Marine Personnel Advisory Committee member serves a term of office of up to three years. Members may be considered to serve up to two consecutive terms. All members serve without compensation from the Federal Government; however, upon request, they may receive travel reimbursement and per diem.

We will consider applications for the following five positions that expire or become vacant on June 1, 2016:

(1) One position for a licensed engineering officer who is licensed as either a limited chief engineer or a designated duty engineer;

(2) One position for a licensed deck officer with an unlimited tonnage master's license with experience on tank vessels;

(3) One position for a member who represents the viewpoint of shipping companies employed in ship operation management;

(4) One position for an unlicensed seaman who represents the viewpoint of Qualified Members of the Engine Department; and

(5) One position for a member who will be drawn from the general public.

If you are selected as a member from the general public, you will be appointed and serve as a Special Government Employee as defined in section 202(a) of Title 18, United States Code. As a candidate for appointment as a Special Government Employee, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated Coast Guard Ethics Official or his or her designee may release a Confidential Financial Disclosure Report. Applicants can obtain this form by going to the Web site of the Office of Government Ethics (*www.oge.gov*) or by contacting the individual listed above in the **FOR FURTHER INFORMATION CONTACT**. Applications for a member drawn from the general public that are not accompanied by a completed OGE-Form 450 will not be considered.

Registered lobbyists are not eligible to serve on federal advisory committees in an individual capacity. See ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605; Public Law 104–65 as amended by Title II of Public Law 110–81).

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Committee, send your cover letter and resume to Davis J. Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee via one of the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice.

To visit our online docket, go to *http://www.regulations.gov* enter the docket number (USCG–2015–0676) in the Search box, and click ''Search''. Please do not post your resume or OGE 450 Form on this site.

Dated: August 31, 2015.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2015–21965 Filed 9–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0014; OMB No. 1660–0059]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Flood Insurance Program Call Center and Agent Referral Enrollment Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork

Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before October 5, 2015.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street, SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on May 28, 2015 at 80 FR 30482 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Flood Insurance Program Call Center and Agent Referral Enrollment Form.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0059.

Form Titles and Numbers: FEMA Form 517–0–1, National Flood Insurance Program Agent Site Registration; FEMA Form 512–0–1, National Flood Insurance Program Agent Referral Questionnaire.

Abstract: Consumer names, addresses, and telephone numbers collected through the Call Center or FloodSmart Web site will be used exclusively for providing information on flood insurance and/or facilitate the purchase of a flood insurance policy through referrals or direct transfers to insurance agents in the agent referral service. Agent names, addresses, telephone numbers, and business information is retained for dissemination to interested consumers who would like to talk to an agent about purchasing a flood insurance policy as part of the agent referral program.

Affected Public: Individuals or households; businesses or other for-profit.

Estimated Number of Respondents: 59,194.

Estimated Total Annual Burden Hours: 2,819 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $65,209. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $406,941.

Dated: August 31, 2015.

Richard W. Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–22000 Filed 9–3–15; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0036]

Technical Resource for Incident Prevention (TRIPwire) User Registration

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-day notice and request for comments; Extension of previously approved Information Collection Request: 1670–0028.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate, (NPPD), Protective Security Coordination Division (PSCD), Office for Bombing Prevention (OBP) 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 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until November 3, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to Department of Homeland Security (Attn: NPPD/PSCD/OBP) 245 Murray Lane SW., Mail Stop 0612, Arlington, VA 20598–0612. Emailed requests should go to *William.Cooper@hq.dhs.gov.* Written comments should reach the contact person listed no later than November 3, 2015. Comments must be identified by ''DHS–2012–0022''and may be submitted by *one* of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.*
- Email: Include the docket number in the subject line of the message.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

OMB is particularly interested in comments that:

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; or

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

SUPPLEMENTARY INFORMATION: The Technical Resource for Incident Prevention (TRIPwire) is OBP's online, collaborative, information-sharing network for bomb squad, law enforcement, and other emergency services personnel to learn about current terrorist improvised explosive device (IED) tactics, techniques, and procedures, including design and emplacement considerations. TRIPwire was established as an IED information-sharing resource under Homeland Security Presidential Directive 19 (HSPD–19), which calls for a unified national policy for the prevention and detection of, protection against, and response to terrorist use of explosives in the United States. Users from federal, state, local, and tribal government entities, as well as business and for-profit industries can register through the TRIPwire Secure Portal. The TRIPwire portal contains sensitive information related to terrorist use of explosives and,

therefore, user information is needed to verify eligibility and access to the system. TRIPwire applicants must provide their full name, assignment, citizenship, job title, employer name, professional address and contact information, as well as an Employment Verification Contact and their contact information. The system does not store sensitive personally identifiable information (PII) such as social security numbers. The collection of PII by TRIPwire to establish user accounts occurs in accordance with the DHS Privacy Impact Assessment PIA–015, ''DHS Web Portals,'' DHS/ALL–004—General Information Technology Access Account Records System (GITAARS) September 29, 2009, 74 FR 49882, and DHS/ALL–002—Department of Homeland Security Mailing and Other Lists System November 25, 2008, 73 FR 71659. The TRIPwire User Registration is a voluntary registration designed to measure users' suitability to access the secure environment.

The information collected during the TRIPwire user registration process is reviewed electronically by the project team to vet the user's ''need to know,'' which determines their eligibility for and access to TRIPwire. Memberships are re-verified annually based on the information users provide upon registration or communication with the TRIPwire help desk analysts. The information collected is for internal TRIPwire and OBP use only.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Protective Security Coordination Division, Office for Bombing Prevention.

Title: Technical Resource for Incident Prevention (TRIPwire) User Registration.

OMB Number: 1670–0028.

Frequency: Once.

Affected Public: Federal, state, local, and tribal government entities, and business or other for-profit.

Number of Respondents: 3,500 respondents (estimate).

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 595 burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $16,006.

Dated: August 31, 2015.

Scott Libby,

Deputy Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2015–21959 Filed 9–3–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–36]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: August 27, 2015.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

[FR Doc. 2015–21637 Filed 9–3–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5892–N–01]

Notice of Intent To Prepare Draft Environmental Impact Statement (EIS) for the Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge in the City of Hoboken, Township of Weehawken and City of Jersey City, New Jersey

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of intent to prepare an EIS.

SUMMARY: This provides notice that the New Jersey Department of Environmental Protection (NJDEP) intends to prepare an Environmental Impact Statement (EIS) for the Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge (the Project) in the City of Hoboken, Township of Weehawken, and City of Jersey City, New Jersey. The Proposed Project was developed as a concept through the Hurricane Sandy Rebuilding Task Force's Rebuild by Design (RBD) program, a design competition to promote the development of resiliency in the Sandy-affected region.

The Proposed Project will consist of a four-part comprehensive strategy, including (1) hard infrastructure and soft landscape for coastal defense (Resist); (2) policy recommendations, guidelines and urban infrastructure to slow storm water runoff (Delay); (3) green and/or grey infrastructure improvements to allow for greater storage of excess rainwater (Store); and (4) water pumps and alternative routes to support drainage (Discharge). The proposed project will occur throughout the City of Hoboken, with linkages to the adjoining communities in the Township of Weehawken and City of Jersey City.

The Proposed Project was selected by HUD through the RBD competition, and HUD Community Development Block Grant-Disaster Recovery (CDBG–DR) funds have been allocated to it. CDBG–DR funding requires compliance with the National Environmental Policy Act (NEPA) as stated in HUD's regulations as outlined in 24 CFR part 58. The Project is also subject to the Council of Environmental Quality (CEQ) NEPA regulations at 40 CFR parts 1500–1508. HUD has further outlined the project's environmental review requirements in a **Federal Register** notice published on October 16, 2014 (79 FR 62182).

The State of New Jersey, acting through the New Jersey Department of

Community Affairs, is the responsible entity that has assumed environmental responsibilities for the Sandy CDBG–DR programs in accordance with 24 CFR 58.1(b)(1). The New Jersey Department of Community Affairs has designated NJDEP to assist with the environmental review. NJDEP will prepare the EIS in accordance with HUD's procedures for NEPA found at 24 CFR part 58. This Notice of Intent to prepare an EIS (as defined at 40 CFR 1508.22) is in accordance with CEQ regulations, and represents the beginning of the public scoping process as outlined in 40 CFR 1501.7. As part of the public scoping process, a Draft Scope of Work will be prepared and submitted for public comment. The Draft Scope of Work will outline in detail the proposed Project actions as well as a description of areas of impact to be studied in the Draft EIS. The Draft Scope of Work will be finalized to reflect substantive comments received during the scoping comment period. After this is completed, the Draft EIS will be prepared and ultimately submitted for public comment. The Draft EIS will be circulated to the general public, as well as groups and government agencies that have been identified as having particular interest in the Proposed Project. A Notice of Availability will be published in the **Federal Register** and local media outlets at that time in accordance with HUD and CEQ regulations.

FOR FURTHER INFORMATION CONTACT: The New Jersey Department of Environmental Protection (NJDEP) by email to *rbd-hudsonriver@dep.nj.gov* or mail to David Rosenblatt, Director, Office of Flood Hazard Risk Reduction Measures, 501 East State Street, Mail Code 501–01A, P.O. Box 420, Trenton, NJ 08625–0420.

SUPPLEMENTARY INFORMATION:

A. Project Background

The project area, comprising the entire city of Hoboken, and parts of Weehawken and Jersey City, is vulnerable to flooding from coastal storm surge events. Superstorm Sandy exposed the vulnerabilities within the project area by flooding over two thirds of the City of Hoboken's low-lying areas. The project area is also susceptible to flooding from high-intensity and long-duration rainfall events. Rainfall-induced flooding is more common within the project area and happens more frequently than coastal storm surge flooding. However, the effects of rainfall flooding on property damage are considerably less than from coastal storm surge flooding. The entire project area is serviced by a combined storm-sewer system that collects sewer flow from existing buildings and combines it with storm water runoff during rainfall events. This combined system does not have the capacity to treat the increased volume created during intense storm events, resulting in sewage backups in homes and onto city streets as well as the discharge of raw sewage into the Hudson River. Were Sandy to have been a substantial rainfall event as well as a storm surge event, Hoboken's past history of flooding during heavy rainfall events indicates that the storm could have further increased flooding levels and property damages.

HUD launched the RBD competition in the summer of 2013 (July 29, 2013, 78 FR 45551) to develop ideas to improve physical, ecological, economic, and social resilience in regions affected by Superstorm Sandy. The competition sought to promote innovation by developing flexible solutions that would increase regional resilience. The Proposed Project was one of the competition's six winning concepts; it was developed with the goal of reducing frequent flooding due to storm surge, high tide, and heavy rainfall. HUD awarded $230 million to the State of New Jersey for the Project in the municipalities of Hoboken, Weehawken, and Jersey City.

B. Project Description

The Proposed Project takes a multi-faceted approach intended to address flooding from both major storm surges and high tides as well as from heavy rainfall events. The Proposed Project will occur throughout the City of Hoboken, and will extend into Weehawken and Jersey City, with the following approximate boundaries: The Hudson River to the east; Baldwin Avenue (in Weehawken) to the north; the Palisades to the west; and 18th Street, Washington Boulevard and 14th Street (in Jersey City) to the south.

The project's comprehensive approach to resilience consists of four integrated components:

1. *Resist:* a combination of hard infrastructure (such as bulkheads, floodwalls and seawalls) and soft landscaping features (such as berms and/or levees which could be used as parks) that act as barriers along the coast during exceptionally high tide and/or storm surge events;

2. *Delay:* Policy recommendations, guidelines and urban green infrastructure to slow stormwater runoff;

3. *Store:* Green and grey infrastructure improvements, such as bioretention basins, swales, and green roofs, that slow down and capture stormwater, and which will complement the efforts of the City of Hoboken's existing Green Infrastructure Strategic Plan; and

4. *Discharge:* Enhancements to Hoboken's existing stormwater management system, including the identification and upgrading of existing stormwater/sewer lines, outfalls and pumping stations.

C. Project Alternatives

The EIS will examine three build alternatives, as well as a No Action Alternative. Each of the three build alternatives will include elements of all four strategic project components: Resist, Delay, Store and Discharge. The three build alternatives vary primarily by the Resist infrastructure's alignment and termination points. The possible Resist alignments include: Along the waterfront, in the water (in the Hudson River), and upland. The waterfront is defined as along the existing walkway/esplanade that runs along the eastern edge of Jersey City, City of Hoboken and Township of Weehawken. The upland portion represents areas landward of the walkway/esplanade. The Resist structures will consist of a combination of multi-purpose levees, floodwalls and other features that will reduce the flood risk within the project area from future coastal storm surge events. In all three build alternatives, the Delay, Store, and Discharge, components will be located on the landward side of the Resist infrastructure and may consist of a combination of green infrastructure (bioswales, storage basins and others) and grey infrastructure (pumps, pipes and others).

Alternative 1 will analyze a Resist alignment that is constructed along a combination of in-water, waterfront, and upland locations and terminates at appropriate locations upland or on the waterfront. Alternative 2 will analyze a Resist alignment constructed primarily along the waterfront with termination points at appropriate upland or waterfront locations. Alternative 3 will analyze a Resist alignment primarily constructed upland with termination points located upland. The No Action Alternative, which represents no improvements, will also be evaluated as part of the EIS. The alternatives analysis will consist of a comparison of the four alternatives' impacts on the environment pursuant to 24 CFR part 58, as well as how well each alternative meets the Project's Purpose and Need. This process, which will be described in detail in the EIS, will lead to the designation of a Preferred Alternative.

D. Scoping

A public EIS Scoping meeting will be held on September 24, 2015, from 7:00 until 9:00 p.m. at the Hoboken Multi-Service Center, located at 124 Grand Street, Hoboken, NJ 07030. The public meeting facility is handicapped accessible to the mobility-impaired. Interpreter services will be made available for persons who are hearing or visually impaired, upon advance request. Additionally, interpreter services will also be made available for persons with Limited English Proficiency through a language access service. The EIS scoping meeting will provide an opportunity for the public to learn more about the proposed Project, as well as provide input on the EIS and the NEPA process. During the meeting, an overview of the Project will be provided as well as details on the early concept development. The public meeting will also provide an opportunity for the public to provide comment on the Project's proposed scope of work. A Draft Scope of Work document will be made available to the public for review and comment at the scoping meeting. An electronic version of the Draft Scope of Work will be available no later than September 8, 2015 at *http://www.rbd-hudsonriver.nj.gov.* Comments received during the scoping meeting or via email *rbd-hudsonriver@dep.nj.gov* or mail to David Rosenblatt, Director, Office of Flood Hazard Risk Reduction Measures, 501 East State Street, Mail Code 501–01A, P.O. Box 420, Trenton, NJ 08625–0420 by October 9, 2015 (within 15 days of the scoping meeting) will be considered for review.

E. Probable Environmental Effects

The following areas have been identified for discussion in the EIS: Natural resources, including floodplain management, wetland protection, and threatened and endangered species; coastal zone management; sole source aquifers; wild and scenic rivers; farmland protection; explosive and flammable operations; airport hazards and runway clear zones; socioeconomics; environmental justice; land use; traffic circulation; air quality; noise; vibration; hazardous waste; cultural resources, including historic architectural and archaeological resources; infrastructure; utilities; and cumulative impacts.

F. Lead Agency

In accordance with HUD regulations at 24 CFR part 58, the New Jersey Department of Community Affairs has designated NJDEP to assist with the environmental review and preparation of the EIS. Questions may be directed to the individual named in this notice under the heading **FOR FURTHER INFORMATION CONTACT**.

Dated: August 31, 2015.

Harriet Tregoning,

Principal Deputy Assistant, Secretary for Community Planning and Development.

[FR Doc. 2015–22021 Filed 9–3–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2015–N156; FXES11120200000–156–FF02ENEH00]

Receipt of an Incidental Take Permit Application for Participation in the Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit application for take of the federally listed American burying beetle resulting from activities associated with the geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure within Oklahoma. If approved, the permit would be issued under the approved *Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP).

DATES: To ensure consideration, written comments must be received on or before October 5, 2015.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's ITP application by one of the following methods. Please refer to the permit number when requesting documents or submitting comments.

- *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.
- *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at Environmental Review, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.;* Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit (ITP) application for take of the federally listed American burying beetle (*Nicrophorus americanus*) resulting from activities associated with geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure within Oklahoma. If approved, the permit would be issued to the applicant under the *Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP). The ICP was made available for comment on April 16, 2014 (79 FR 21480), and approved on May 21, 2014 (publication of the FONSI notice was on July 25, 2014; 79 FR 43504). The ICP and the associated environmental assessment/finding of no significant impact are available on the Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following application under the ICP, for incidental take of the federally listed ABB. Please refer to the appropriate permit number (TE–73567B) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted with this application are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit TE–73567B

Applicant: SandRidge Energy, Inc., Oklahoma City, OK.

Applicant requests a new permit for gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of gas gathering, transmission, and

distribution pipeline infrastructure within Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: August 27, 2015.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region.

[FR Doc. 2015–22040 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–FAC–2015–N153; FF09F42300–FVWF97920900000–XXX]

Sport Fishing and Boating Partnership Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Sport Fishing and Boating Partnership Council (Council). A Federal advisory committee, the Council was created in part to foster partnerships to enhance public awareness of the importance of aquatic resources and the social and economic benefits of recreational fishing and boating in the United States. This meeting is open to the public, and interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: The meeting will take place Tuesday, October 6, 2015, from 8:30 a.m. to 4:30 p.m. (Mountain Time) and Wednesday, October 7, 2015, from 8:30 a.m. to 3:30 p.m. For deadlines and directions on registering to attend the meeting, submitting written material, and/or giving an oral presentation, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the U.S. Fish and Wildlife Service's Bozeman Fish Technology Center, 4050 Bridger Canyon Road, Bozeman, Montana 59715. For directions or other information on the Bozeman Fish Technology Center, please contact Robert Muth, Center Director, at 406–994–9902 or *Robert_Muth@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Bohnsack, Sport Fishing and Boating Partnership Council Coordinator, 5275 Leesburg Pike, MS–3C016A–FAC, Falls Church, VA 22041; telephone (703) 358–2435; fax (703) 358–2210; or email *brian_bohnsack@fws.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that the Sport Fishing and Boating Partnership Council will hold a meeting.

Background

The Council was formed in January 1993 to advise the Secretary of the Interior, through the Director of the Service, on aquatic conservation endeavors that benefit recreational fishery resources and recreational boating and that encourage partnerships among industry, the public, and government. The Council represents the interests of the public and private sectors of the recreational fishing, boating, and conservation communities and is organized to enhance partnerships among industry, constituency groups, and government. The 18-member Council, appointed by the Secretary of the Interior, includes the Service Director and the president of the Association of Fish and Wildlife Agencies, who both serve in ex officio capacities. Other Council members are directors from State agencies responsible for managing recreational fish and wildlife resources and individuals who represent the interests of saltwater and freshwater recreational fishing, recreational boating, the recreational fishing and boating industries, recreational fisheries resource conservation, Native American tribes, aquatic resource outreach and education, and tourism. Background information on the Council is available at *http://www.fws.gov/sfbpc.*

Meeting Agenda

The Council will hold a meeting to consider:

- An update from the FWS Fish and Aquatic Conservation Program on their new strategic plan, the status of the national fish hatchery program and other related programs;
- An update and discussion regarding a proposed pilot project with several agencies to improve the transparency and efficiency of federal agencies' permitting review processes associated with boating infrastructure projects (*e.g.,* boat dock replacement and maintenance, boat ramp construction and maintenance);
- An update of the status of aquatic education and outreach programs funded through the Federal Aid in Sport Fish Restoration Program;
- An update on federal and state programs associated with aquatic invasive species and efforts to prevent their spread by boaters and anglers;
- An update on Tribal fish and wildlife conservation programs as they pertain to priorities of the Sport Fishing and Boating Partnership Council;
- An update on the Council's assessment of the Recreational Boating and Fishing Foundation's implementation of the National Outreach and Communication Program (Catalog of Federal Domestic Assistance number 15.653);
- Other miscellaneous Council business.

The final agenda will be posted on the Internet at *http://www.fws.gov/sfbpc.*

Public Input

If you wish to	Then you must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
Attend the meeting	Wednesday, September 30, 2015.
Submit written information or questions before the meeting for the council to consider during the meeting for the council to consider during the meeting.	Wednesday, September 30, 2015.
Give an oral presentation during the meeting	Wednesday, September 30, 2015.

Attendance

The Council meeting will be held at the U.S. Fish and Wildlife Service's Bozeman Fish Technology Center, 4050 Bridger Canyon Road, Bozeman, Montana. Signs will be posted to direct attendees to the specific conference room.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the meeting. Written statements must be received by the date listed above in ''Public Input,'' so that the information may be made available to the Council for their consideration prior to the meeting. Written statements must be supplied to the Council Coordinator in one 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 during the meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this meeting. To ensure an opportunity to speak during the public comment period of the meeting, members of the public must register with the Council Coordinator. 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, may submit written statements to the Council Coordinator up to 30 days subsequent to the meeting.

Meeting Minutes

Summary minutes of the meeting will be maintained by the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) and will be available for public inspection within 90 days of the meeting and will be posted on the Council's Web site at *http://www.fws.gov/sfbpc.*

Dated: August 18, 2015.

James W. Kurth,

Acting Director.

[FR Doc. 2015–22044 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2015–N170; FXES1113088ENDT0–156–FF08ENVD00]

Endangered and Threatened Wildlife and Plants; Proposed Low-Effect Habitat Conservation Plan for the Desert Tortoise, Nye County, Nevada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Receipt of application; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce receipt from Valley Electric Association, Inc. of an application for a 30-year incidental take permit (permit) under the Endangered Species Act of 1973, as amended (Act). The requested permit would authorize take of the Mojave desert tortoise resulting from the construction, operation, and maintenance of a solar photovoltaic facility in the town of Pahrump, Nevada. The permit application includes a proposed low-effect habitat conservation plan (HCP) that incorporates measures the applicant would implement to minimize and mitigate effects of project activities on the desert tortoise. In accordance with the requirements of the National Environmental Policy Act (NEPA), we have prepared a draft low-effect screening form supporting our preliminary determination that the proposed action qualifies as a categorical exclusion under NEPA. We are accepting comments on the permit application, proposed low-effect HCP, and draft NEPA compliance documentation.

DATES: Written comments on the permit application, proposed low-effect HCP, and draft NEPA compliance documentation must be received on or before October 5, 2015.

ADDRESSES:

Obtaining Documents: Persons wishing to review the application, the proposed low-effect HCP, the draft NEPA compliance documentation, or other related documents may obtain copies by written or telephone request to Jeri Krueger, by mail at U.S. Fish and Wildlife Service, Reno Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502, or by phone at 775–861–6300. Copies of these documents may also be obtained on the Internet at *http://www.fws.gov/nevada.*

Submitting Comments: Please address written comments to Michael J. Senn, Field Supervisor, U.S. Fish and Wildlife Service, Southern Nevada Fish and Wildlife Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. You may also send comments by facsimile to 702–515–5231. Please note that your information request or comment is in reference to the Valley Electric Association Community Solar Project Low-Effect HCP, Nye County, Nevada.

FOR FURTHER INFORMATION CONTACT: Jeri Krueger, Reno Fish and Wildlife Office, at the address or telephone number listed above under **ADDRESSES**.

SUPPLEMENTARY INFORMATION:

Document Availability

You may obtain copies of the permit application, proposed HCP, draft NEPA compliance documentation, and other related documents from the individual listed under **FOR FURTHER INFORMATION CONTACT**. Copies of these documents are also available for public inspection, by appointment, during regular business hours (8 a.m. to 4:30 p.m.), at the Southern Nevada Fish and Wildlife Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

Background Information

Section 9 of the Act (16 U.S.C. 1531–1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Take of federally listed fish or wildlife is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or attempt to engage in such conduct. The term ''harass'' is defined in the regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). The term ''harm'' is defined in the regulations as significant habitat modification or degradation that results in death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

(1) The taking will be incidental;

(2) The applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

(3) The applicants will develop a proposed HCP and ensure that adequate funding for the HCP will be provided;

(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) The applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

Proposed Project

Valley Electric Association, Inc. (VEA) proposes to construct, operate, and maintain a photovoltaic solar facility with 54,864 fixed panels within an 80-acre parcel of land located in the northeast part of the town of Pahrump that will provide power to VEA's members within their service area located mainly along the Nevada-California border. The project would provide a source of clean energy to be used by VEA members and would create additional job opportunities in the community. The project proponent is applying for an incidental take permit because the project is located within desert tortoise habitat and take would be unavoidable as a result of constructing and operating the solar facility on the project site.

The leading edge of the solar panels would be raised to a height of 42 inches above the ground, which is about 18 inches above current industry standards. All panels would be blue-black in color and would be composed of the least reflective glass available. Two solar panel spacing configurations would be used: The northern 40 acres would have an inner row spacing of 14 feet, and the southern 40 acres would have an inner row spacing of 20 feet. These design feature modifications are for the purpose of allowing more light to reach beneath the solar array to maintain vegetation underneath the solar panels and encourage continued use of the project site by desert tortoises, and to determine if wider spacing between the panels would reduce the potential for bird strikes on the panels. The project site would be fenced with security chain-link fencing, incorporating 10 by 7-inch gaps along the bottom of the fence to allow desert tortoises to gain access and occupy the site during operation of the solar facility.

The project proponent would develop and implement an Avian Protection and Monitoring (APM) Plan to minimize and monitor potential impacts to migratory birds from the solar facility. The solar array is designed to determine if different configurations of solar panels may break up the appearance of a lake-like effect from a bird's perspective. The project proponent would use a qualified third-party contractor to design a monitoring protocol to track any differences in effects to migratory birds and incorporate the protocol into the APM Plan.

The project is located within the town limits of Pahrump in T 19 S, R 53 E, Section 25. In addition, an associated distribution line and access road would be constructed within a 2,640-foot by 20-foot easement in T 19 S, R 53 E, Sections 24 and 25. The project area is approximately 1.4 miles east of Highway 160 and immediately south of Simkins Road.

Proposed Covered Activities

The duration of construction activities is expected to last approximately 8 months and the project is anticipated to be in service for 30 years, which is the requested duration of the permit term. Construction of the solar field would include the following:

- Installation of 30 degree fixed tilt, ground mounted solar PV panels capable of producing 15 MWAC of power. The panels would be installed in twelve groupings each containing 4,572 315-watt panels (54,864 panels in total). Each panel would measure 39 inches by 79 inches, with the leading edge about 42 inches above the ground. The panels would be blue-black in color and would be composed of the least reflective glass available.
- Construction of a 40-foot wide by 2,642-foot long gravel access road down the east-west center of the site.
- Installation of 10 inverter stations (12 feet by 40 feet by 7.1 feet tall) adjacent to the access road.
- Construction of a 0.4-acre switchyard area in the northeast corner of the site, which would include a parking area, a 500 square foot prefabricated building for housing system monitoring equipment and for use as a visitor center, and a switchgear cabinet containing system project equipment, metering, telecommunications equipment, and switches to be mounted on a concrete pad.
- Conduit and wire that would be buried approximately 4 feet deep between the panels and inverter station and switchgear.
- Grading and leveling a 0.5-acre area in the northwest corner of the site to be used as a future well site.
- Placement of rip-rap and culverts in the large wash located in the southern portion of the site.
- Containment of staging and temporary work areas within the 80-acre site.
- Installation of a 6-foot tall chain-link perimeter fence around the 80-acre site along with secured access gates. The fence would have barbed wire on top for security purposes. The fence would also include openings along the bottom that are at least 10 inches high and 7 inches wide and spaced approximately 260 feet apart to allow desert tortoise ingress and egress at the site after construction activities are completed.
- Construction of a 2,640-foot 24.9kV distribution line and 10-foot wide access road that would connect to an existing power line located east of the project site.

The project would use between 500,000 and 600,000 gallons of water during construction. The water would be obtained off-site from an existing local area water utility and trucked to the project site. After construction, it is not anticipated that the panels would

need to be washed. However, should washing become necessary, water would be trucked in to the project site. Any water used for washing would be contained within the project site (*i.e.,* no run-off). Also, the prefabricated building would ultimately have water supplied by a small well and a sewer system. VEA owns one-half acre-foot per year of water rights to use for the building. All water from the future well would be used for the prefabricated building only and not within the solar array or other facilities.

VEA would manage and control noxious weeds and invasive plant species consistent with applicable regulations. The introduction of noxious weeds and invasive plants would be addressed through the use of certified weed-free seed and mulching; cleaning of vehicles to avoid introducing invasive weeds; and education of personnel on weed identification, the manner in which weeds spread, and methods for treating infestations. Regarding the cleaning of vehicles, a controlled inspection and cleaning area would be established to visually inspect construction equipment arriving at the project site and to remove and collect seeds that may be adhering to tires and other equipment surfaces. Equipment would also be cleaned any time thereafter if the equipment leaves the project site, is used on another project, and reenters the project site. Further, to prevent the spread of invasive species, project developers would determine whether a pre-activity invasive species survey is warranted and if so, to conduct the survey. Were noxious weeds or invasive plants to be introduced to the project site as a result of the project, VEA would use principles of integrated pest management to prevent the spread of invasive species.

Rather than using the typical construction technique of grading, tilling, and leveling the entire 80-acre project site, the applicant would leave most of the vegetation intact, and would crush, mow, or trim vegetation to avoid interfering with the solar panels. Solar panels would be elevated to a height of 42 inches at the bottom leading edge to promote vegetation to persist underneath the solar array by allowing more light to reach the vegetation left below the solar panels.

Two solar panel spacing configurations would be designed within the 80-acre project site:

(1) *Industry Standard:* The northern 40 acres of the project site would have an inner row spacing (*i.e.,* distance between the upper trailing edge of a panel and the bottom leading edge of the panel behind it) of 14 feet.

(2) *Modified Configuration:* The southern 40 acres of the project site would have an inner row spacing of 20 feet in order to allow for more light to reach the ground and encourage vegetation growth and break up the pattern of the solar panels in an effort to reduce the potential for impacts to migratory birds.

The project includes operation and maintenance of the solar field, which would be accessed primarily along the center access road mostly using lightweight off-highway vehicles. Operation and maintenance activities include but are not limited to: Visual inspections, cleaning of the front screens and rear louvers, cleaning of the air intake filter, verification of electrical connections, and verification of signal connections. Within the PV array, activities would include visual inspections of the PV modules, racking system, electrical wiring, weather stations, and the perimeter fence. Cleaning or washing of PV modules is not expected, but if needed, would be performed with warm water and an environmentally friendly soap that would not harm wildlife or vegetation. Equipment would be replaced as necessary and would be performed on foot whenever possible. Upon retirement of the facility, all equipment would be removed, including fencing, and disturbance reclaimed (holes filled in and raked to match the surrounding topography). The area would then be allowed to recover naturally.

The project would result in the long-term loss of approximately 4 acres of desert tortoise habitat (2.4 acres from construction of the on-site gravel access road, 0.4 acre associated with the switchyard, 0.5 acre associated with the well site, and 0.65 acre from construction of the distribution line access road). Vegetation within the remaining acreage on the 80-acre project site would be left intact, subject to crushing, mowing, and trimming as necessary, and the facility would remain available for desert tortoises to access and occupy the site.

Proposed Conservation Measures

The applicant would install a temporary desert tortoise exclusion fence and access gates along the perimeter of the 80-acre project site prior to commencement of construction activities and perform desert tortoise clearance surveys to temporarily move resident tortoises out of harm's way during construction of the facility. Based on results from desert tortoise presence/absence surveys conducted on the project site in April of 2015, an estimate of 2 to 4 adult tortoises may occupy the project site. Tortoises found during clearance surveys would be moved to a tortoise-fenced enclosure on property owned by the applicant that is located 2,000 feet east of the project site. The applicant would follow all protocols and approved methodologies for handling and care of desert tortoises. Upon completion of construction activities, tortoises would be individually marked, fitted with tracking devices, returned to the project site and released, and the temporary tortoise exclusion fence would be removed.

The permanent security fence around the perimeter of the solar project area would have tortoise access points constructed to allow tortoises to access and occupy the project site after construction is completed.

Vegetation would not be bladed and would be left intact, but mowed, clipped, or crushed within the solar project site to maintain root structure of vegetation and to keep the existing seed bed.

PV panels would be mounted on driven piers to minimize site disturbance by avoiding the need for excavation and concrete placement.

PV panels would be elevated to a minimum height of 42 inches, which is about 18 inches above the current industry standard, and spacing increased in a portion of the array to accommodate tortoise movement and vegetation growth beneath arrays.

Combiner boxes would be relocated to the center roadway to minimize trenching.

Overall, ground disturbance would be kept to the minimum required.

Desert tortoise exclusion fencing would be constructed along the perimeter of the switchyard and the well site for the lifetime of the project to prevent tortoises from accessing these two high activity areas.

The on-site gravel access road would be posted with a 15–MPH speed limit once the facility is put into service, and utility terrain vehicles would mostly be used along the route in order to have maximized ground view to watch for tortoises. When use of larger vehicles is required, ground guides would be utilized to walk in front of vehicles to ensure the road is free of tortoises.

Desert tortoise surveys would be conducted one week prior to the start of construction of the distribution line and associated access road. Tortoise burrows would be flagged and construction modified to avoid impacts. An authorized desert tortoise biologist would be present during construction. If

a tortoise is found within the construction area, activities would cease until the desert tortoise moves out of harm's way or is moved out of harm's way by an authorized desert tortoise biologist. Relocation would be the minimum distance possible (with a maximum of 500 meters) within appropriate habitat to ensure its safety from death, injury, or collection associated with the Project or other activities. Other measures would be implemented to minimize impacts to desert tortoise as listed in Appendix D in the HCP and in accordance with the most current Service-approved protocols (currently the Service's 2009 Desert Tortoise Field Manual).

All employees and contractors involved with the project would be required to complete a sensitive resources education program approved by the Service. The program would cover the distribution, general behavior, and ecology of listed species; sensitivity to human activities; legal protections; penalties for violation of state and Federal laws; reporting requirements; and minimization measures.

The project proponent would use qualified third-party contractors to design and implement research and monitoring studies to evaluate the impact of the two solar panel configurations on vegetation and migratory birds. Specific to desert tortoise, the studies would be designed to address questions related to effects of solar panels on vegetation growth, ability to seed underneath solar panels with desert tortoise forage species, and effects of solar panels on soil conditions such as temperature, water balance, microbial community, and biotic crust.

Proposed Action and Alternatives

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to the Mojave desert tortoise. If we approve the permit, take of the Mojave desert tortoise would be authorized for the applicant's activities associated with the Valley Electric Association's Community Solar Project. An estimated 2 to 4 adult desert tortoises may occupy the project site, and would be temporarily moved to a site close to the project area during construction activities and returned to the project site after construction is completed to ensure resident tortoises are not harmed. In the proposed HCP, the applicant considers alternatives to the taking of the Mojave desert tortoise under the proposed action. The Traditional Solar Project Alternative would involve blading and grading the 80-acre project site prior to installation of the PV array. The project site would be fenced with tortoise-proof fencing and cleared of all tortoises, resulting in long-term displacement of resident tortoises and long-term loss of all habitat in the project site. The applicant also considers a no-action alternative under which the project would not be constructed and incidental take of the Mojave desert tortoise would not be authorized. However, the no-action alternative would not meet the needs of the applicant to provide clean energy to residents within their service area.

Our Preliminary Determination

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2 Appendix 1, 516 DM 6 Appendix 1, and 516 DM 8.5(c)(2)) and as a ''low-effect'' plan as defined by the Habitat Conservation Planning Handbook (November 1996).

We base our determination that a HCP qualifies as a low-effect plan on the following three criteria:

(1) Implementation of the HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats, including designated critical habitat;

(2) Implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and

(3) Impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

Next Steps

We will evaluate the permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of section 10(a) of the Act, NEPA, and implementing regulations. If we determine that all requirements are met, we will issue a permit to the applicant for the incidental take of the Mojave desert tortoise from the implementation of the covered activities described in the Habitat Conservation Plan for Valley Electric Association's Community Solar Project, Pahrump, Nye County, Nevada. We will not make our final decision until after the end of the 30-day public comment period, and we will fully consider all comments we receive during the public comment period.

Public Availability of Comments

All comments we receive become part of the public record. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of Interior policies and procedures. 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 to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32), and the NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508).

Dated: August 31, 2015.

Michael J. Senn,

Field Supervisor, Southern Nevada Fish and Wildlife Office, Las Vegas, Nevada.

[FR Doc. 2015–22059 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–19054;PPWOCRADP2, PCU00RP14.R50000]

National Historic Landmarks Committee of the National Park System Advisory Board Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in furtherance of the Federal Advisory Committee Act, (5 U.S.C. Appendix 1–16), and Part 65 of title 36 of the Code of Federal Regulations, that a meeting of the National Historic Landmarks Committee of the National Park System Advisory Board will be held beginning at 10:00 a.m. on November 16, 2015, at the Charles Sumner School Museum and Archives. The meeting will

continue beginning at 9:30 a.m. on November 17, 2015.

DATES: The meeting will be held on Monday, November 16, 2015, from 10:00 a.m. to 4:30 p.m.; and Tuesday, November 17 from 9:30 a.m. to 4:30 p.m. (EASTERN).

Location: The Charles Sumner School Museum and Archives, 3rd Floor, The Richard L. Hurlbut Memorial Hall, 1201 17th Street NW., Washington, DC 20036.

Agenda: The National Park System Advisory Board and its National Historic Landmarks Committee may consider the following nominations:

Connecticut

JAMES MERRILL HOUSE, Stonington, CT

THE STEWARD'S HOUSE, FOREIGN MISSION SCHOOL, Cornwall, CT

Florida

NORMAN STUDIOS, Jacksonville, FL

Indiana

ATHENAEUM (DAS DEUTSCHE HAUS), Indianapolis, IN

Michigan

GAUKLER POINTE (EDSEL AND ELEANOR FORD HOUSE), Macomb County, MI

Mississippi

MISSISSIPPI STATE CAPITOL, Jackson, MS

New York

ST. BARTHOLOMEW'S CHURCH AND COMMUNITY HOUSE, New York, NY

Ohio

ZOAR HISTORIC DISTRICT, Zoar, OH

Wisconsin

MAN MOUND, Sauk County, WI

Wyoming

AMES MONUMENT, Albany County, WY

HELL GAP PALEOINDIAN SITE, Goshen County, WY

Proposed Amendments to Existing Designations:

Maryland

MONOCACY BATTLEFIELD, City of Frederick and Frederick County, MD (updated documentation and boundary revision)

Ohio

JAMES A. GARFIELD HOME, Mentor, OH (updated documentation)

WILLIAM HOWARD TAFT HOME, Cincinnati, OH (updated documentation and name change)

The committee may also consider the following historic trail:

LEWIS AND CLARK EASTERN LEGACY NATIONAL HISTORIC TRAIL

FOR FURTHER INFORMATION CONTACT: Patricia Henry, Historian, National Historic Landmarks Program, National Park Service, 1849 C Street NW., Washington, DC 20240, telephone (202) 354–2216 or email: *Patty_Henry@nps.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting of the National Historic Landmarks Committee of the National Park System Advisory Board is to evaluate nominations of historic properties in order to advise the National Park System Advisory Board of the qualifications of each property being proposed for National Historic Landmark designation, and to make recommendations regarding the possible designation of those properties as National Historic Landmarks to the National Park System Advisory Board at a subsequent meeting at a place and time to be determined. The Committee also makes recommendations to the National Park System Advisory Board regarding amendments to existing designations and proposals for withdrawal of designation. The members of the National Historic Landmarks Committee are:

Dr. Stephen Pitti, Chair
Dr. James M. Allan
Dr. Cary Carson
Dr. Yong Chen
Mr. Douglas Harris
Ms. Mary Hopkins
Mr. Luis Hoyos, AIA
Dr. Sarah A. Leavitt
Dr. Barbara J. Mills
Dr. Michael E. Stevens
Dr. Amber Wiley
Dr. David Young

The meeting will be open to the public. Pursuant to 36 CFR part 65, any member of the public may file, for consideration by the National Historic Landmarks Committee of the National Park System Advisory Board, written comments concerning the National Historic Landmarks nominations, amendments to existing designations, or proposals for withdrawal of designation.

Comments should be submitted to J. Paul Loether, Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, 1849 C Street NW., Washington, DC 20240, email: *Paul_Loether@nps.gov.*

Before including your address, telephone 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 may 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: August 31, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–21952 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Outer Continental Shelf, Gulf of Mexico, Oil and Gas Central Planning Area Lease Sales 241 and 247 and Eastern Planning Area Lease Sale 226

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability of a Final Supplemental Environmental Impact Statement.

SUMMARY: BOEM is announcing the availability of a Final Supplemental Environmental Impact Statement (EIS) for the Gulf of Mexico Outer Continental Shelf Oil and Gas Central Planning Area Lease Sales 241 and 247 and Eastern Planning Area Lease Sale 226. The Final Supplemental EIS provides a discussion of potential significant impacts of the proposed actions, provides an analysis of reasonable alternatives to the proposed actions, and identifies the Bureau's preferred alternatives. This Final Supplemental EIS updates the environmental and socioeconomic analyses for proposed CPA and EPA sales evaluated in the following EISs:

- Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247, Final Environmental Impact Statement (OCS EIS/EA BOEM 2012–019) (2012–2017 WPA/CPA Multisale EIS);
- Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014; Western Planning Area Lease Sale 233; Central Planning Area Lease Sale 231, Final Supplemental Environmental Impact Statement (OCS EIS/EA BOEM 2013–0118) (WPA 233/CPA 231 Supplemental EIS);
- Gulf of Mexico OCS Oil and Gas Lease Sale: 2015–2017; the Gulf of Mexico OCS Oil and Gas Lease Sales: 2014 and 2016, Eastern Planning Area

Lease Sales 225 and 226, Final Environmental Impact Statement (OCS EIS/EA BOEM 2013–200) (EPA 225/226 EIS); and

• Central Planning Area Lease Sales 235, 241, and 247; Draft Supplemental Environmental Impact Statement (OCS EIS/EA BOEM 2014–010) (CPA 235, 241 and 247 Supplemental EIS).

The Final Supplemental EIS is available on the Bureau's Web site at *http://www.boem.gov/nepaprocess/.* BOEM will distribute primarily digital copies of the Final Supplemental EIS on compact discs. You may request a paper copy, compact disc, or the location of a library with a digital copy of the Final Supplemental EIS from BOEM, Gulf of Mexico OCS Region, Public Information Office (GM 250C), 1201 Elmwood Park Boulevard, Room 250, New Orleans, Louisiana 70123–2394 (1–800–200–GULF).

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Goeke, BOEM, Gulf of Mexico OCS Region, Office of Environment (GM 623E), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 or by email at *cpa241-epa226@boem.gov.* You may also contact Mr. Goeke by telephone at 504–736–3233.

Authority: This NOA is published pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior's NEPA implementing regulations at 43 CFR 46.415.

Dated: August 3, 2015.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2015–22055 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2015–0094;MMAA104000]

Outer Continental Shelf, Gulf of Mexico, Oil and Gas Western Planning Area Lease Sale 248

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability and Announcement of Public Meetings and Comment Period for the Draft Supplemental Environmental Impact Statement for Proposed Gulf of Mexico Oil and Gas Western Planning Area Lease Sale 248.

SUMMARY: BOEM is announcing the availability of a Draft Supplemental Environmental Impact Statement (EIS) for the proposed Gulf of Mexico (GOM) Outer Continental Shelf (OCS) oil and gas Western Planning Area (WPA) Lease Sale 248 (WPA Sale 248). WPA Sale 248 is tentatively scheduled for August 2016. The Draft Supplemental EIS provides a discussion of the potential significant impacts of the proposed action and an analysis of reasonable alternatives to the proposed action; it considers new information made available since completion of earlier EISs related to WPA Sale 248. The prior EISs supplemented by the Draft Supplemental EIS are available at: *http://www.boem.gov/nepaprocess/.* This Notice of Availability (NOA) serves to announce the beginning of the public comment period for the Draft Supplemental EIS.

Public Availability: In keeping with the Department of the Interior's mission to protect natural resources and to limit costs, while ensuring availability of the document to the public, the Draft Supplemental EIS and associated information are available on BOEM's Web site at *http://www.boem.gov/nepaprocess/.* BOEM will also distribute digital copies of the Draft Supplemental EIS on compact discs. You may request a paper copy or the location of a library with a digital copy of the Draft Supplemental EIS from the Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Public Information Office (GM 250C), 1201 Elmwood Park Boulevard, Room 250, New Orleans, Louisiana 70123–2394 (1–800–200–GULF).

DATES: Comments should be submitted no later than October 19, 2015. As described below in the ''Comments'' section, public comments may also be submitted at public meetings being held on September 22 and 23, 2015.

FOR FURTHER INFORMATION CONTACT: For more information on the WPA 248 Draft Supplemental EIS, you may contact Mr. Gary D. Goeke, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Office of Environment (GM 623E), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, or by email at *wpa248@boem.gov.* You may also contact Mr. Goeke by telephone at 504–736–3233.

Comments: Federal, State, Tribal, and local governments and/or agencies and the public (including persons and organizations who may be interested or affected) may submit written comments on the WPA 248 Draft Supplemental EIS through the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov.* In the field ''Enter Keyword or ID'' enter ''Oil and Gas Lease Sales: Gulf of Mexico, Outer Continental Shelf; Western Planning Area Lease Sale 248'' (note: it is important to include the quotation marks in your search terms), and then click ''search''. Follow the instructions to submit public comments and view supporting and related materials available for this notice;

2. U.S. mail, in an envelope labeled ''Comments for the Draft WPA 248 Supplemental EIS'' and addressed to Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. To be considered, comments must be postmarked by the last day of the comment period provided in the ''Dates'' section above; or

3. Email to: *wpa248@boem.gov.*

BOEM will also hold public meetings to solicit comments regarding the WPA 248 Draft Supplemental EIS. The meetings are scheduled as follows:

Houston, Texas: Tuesday September 22, 2015, Hilton Garden Inn Houston/Bush Intercontinental Airport, 15400 John F. Kennedy Boulevard, Houston, Texas 77032, one meeting beginning at 1:00 p.m. CDT.

New Orleans, Louisiana: Wednesday, September 23, 2015, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, one meeting beginning at 1:00 p.m. CDT.

Public Disclosure of Names and Addresses: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This NOA is consistent with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA) and the regulations implementing NEPA, and is published pursuant to 43 CFR 46.415 and 46.435.

Dated: August 17, 2015.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2015–22071 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2015–0075; MMAA104000]

Outer Continental Shelf, Region-Wide Gulf of Mexico, Oil and Gas Lease Sales for Years 2017–2022

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Call for Information and Nominations.

SUMMARY: This Call for Information and Nominations (Call) is the initial step in a multi-sale process covering all proposed lease sales in the Gulf of Mexico (GOM) comprised of the Western, Central, and Eastern Gulf of Mexico Planning Areas (WPA, CPA, and EPA, respectively), proposed for inclusion in the Draft Proposed Five Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2017–2022 (2017–2022 Five Year Program). Ten proposed lease sales are specifically covered by this Call: Five region-wide GOM sales tentatively scheduled in March of each year and five region-wide GOM sales tentatively scheduled in August of each year. This call for region-wide GOM sales will not prevent Bureau of Ocean Energy Management (BOEM) from deciding during the pre-sale process to hold separate sales in individual planning areas without issuing another call. BOEM announced in a Notice of Intent (NOI, 80 FR 23818, April 29, 2015) that it is preparing a multi-sale Environmental Impact Statement (Multi-sale EIS) covering the same 10 lease sales in the proposed GOM sale area, in compliance with the National Environmental Policy Act (NEPA). For each of the 10 proposed individual lease sales associated with this Call, BOEM will continue to comply with NEPA, the Outer Continental Shelf Lands Act (OCSLA), the Coastal Zone Management Act (CZMA) and other applicable law.

DATES: Nominations and comments must be received at the address specified below no later than October 5, 2015 in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Jaron Ming, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, telephone (504) 736–2537.

SUPPLEMENTARY INFORMATION: On January 27, 2015, the Department of the Interior released the Draft Proposed 2017–2022 Five Year Program. The Draft Proposed 2017–2022 Five Year Program was made available for public comment through March 30, 2015. BOEM also published an NOI to prepare a Programmatic Environmental Impact Statement (PEIS) for the 2017–2022 Five Year Program on January 29, 2015. Scoping for the PEIS closed on March 30, 2015. Information on the development of the proposed 2017–2022 Five Year Program and PEIS are available on BOEM's Web site at: *http://www.boem.gov/Five-Year-Program-2017-2022/*.

Because the first Gulf sale is proposed to occur early in the Program and due to the long lead times needed to prepare for proposed oil and gas lease sales, the development of the 2017–2022 Five Year Program and the administrative and environmental analysis processes for individual Gulf of Mexico lease sales must occur simultaneously and in close coordination. This Call covers only the region-wide lease sales in the GOM that are proposed for inclusion in the Draft Proposed 2017–2022 Five Year Program. The Multi-sale EIS being prepared by BOEM will analyze a large region-wide area in the GOM that will include available blocks in the Western, Central, and Eastern Planning Areas not subject to Congressional moratorium (collectively, the ''proposed GOM sale area''). The Multi-sale EIS will also include analysis of potential alternatives to the region-wide lease sale proposal.

Call for Information and Nominations

1. Authority

This Call is published pursuant to OCSLA, as amended (43 U.S.C. 1331 *et seq.*), and its implementing regulations (30 CFR part 556).

2. Purpose of Call

The purpose of the Call is to gather information for the following tentatively scheduled OCS region-wide GOM sales. The Draft Proposed 2017–2022 Five Year Program has scheduled the following proposed lease sales, which would be region-wide and include all unleased acreage in the GOM not currently subject to Congressional moratorium.

Lease sale	Sale year
Sale 249	August 2017.
Sale 250	March 2018.
Sale 251	August 2018.
Sale 252	March 2019.
Sale 253	August 2019.
Sale 254	March 2020.
Sale 256	August 2020.
Sale 257	March 2021.
Sale 259	August 2021.
Sale 261	March 2022.

BOEM seeks information and nominations on oil and gas leasing, exploration, development, and production within the proposed GOM sale area from all interested parties. This early planning and consultation step ensures that public interests and concerns are communicated to the Department of the Interior for its future decisions in the leasing process, pursuant to section 19 of OCSLA (43 U.S.C. 1344) and its implementing regulations (30 CFR part 556).

BOEM requests responses regarding proposed sales in the region-wide GOM sale area. Accordingly, this multi-sale process addresses decisions for all 10 region-wide lease sales in the proposed GOM sale area.

Pursuant to section 18 of OCSLA (43 U.S.C. 1344), the Secretary of the Interior (Secretary) is separately developing the 2017–2022 Five Year Program; therefore, this Call should not be construed as a prejudgment or decision by the Secretary concerning any area to be made available for leasing under the 2017–2022 Five Year Program.

This Call does not indicate a preliminary decision to lease in the area described below. Final delineation of the area for possible leasing will be made later, in compliance with applicable laws (*e.g.,* NEPA, OCSLA, and CZMA) and established departmental procedures.

3. Description of Area

The proposed GOM sale area of this Call includes the entire CPA, WPA, and EPA, except for those areas currently subject to Congressional moratorium.

The CPA is bound on the north by the Federal-State boundary offshore Louisiana, Mississippi, and Alabama. The eastern boundary of the CPA begins at the offshore boundary between Alabama and Florida and proceeds southeasterly to 26.19°N. latitude, thence southwesterly to 25.6°N. latitude. The western boundary of the CPA begins at the offshore boundary between Texas and Louisiana and proceeds southeasterly to 28.43° N. latitude, thence south-southwesterly to 27.49° N. latitude, thence south-southeasterly to 25.80° N. latitude. The CPA is bounded on the south by the maritime boundary with Mexico as established by the Treaty between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 Nautical Miles, which took effect in January 2001, and by the limit of the U.S. Exclusive Economic Zone in the

area east of the continental shelf boundary with Mexico. The CPA includes a small section subject to Congressional moratorium, which currently runs until June 30, 2022, as established by the Gulf of Mexico Energy Security Act of 2006 (GOMESA, Pub. L. 109–432). [This area of the CPA subject to Congressional moratorium is bounded by the area east of the Military Mission Line (86° 41′ west longitude), and the area within the CPA that is within 100 miles of Florida. A map of the moratoria can be found here: *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Areas-Under-Moratoria.aspx*.] The CPA available for nominations and comments at this time consists of approximately 66.45 million acres, of which approximately 45.28 million acres are currently unleased.

The WPA is bound on the west and north by the Federal-State boundary offshore Texas. The eastern boundary begins at the offshore boundary between Texas and Louisiana and proceeds southeasterly to 28.43° N. latitude, thence south-southwesterly to 27.49° N. latitude, thence south-southeasterly to 25.80° N. latitude. The WPA is bounded on the south by the maritime boundary with Mexico as established by the Treaty between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 Nautical Miles, which took effect in January 2001. The WPA available for nominations and comments at this time consists of approximately 28.58 million acres, of which approximately 21.94 million acres are currently unleased.

The proposed GOM sale area includes a small section of the EPA not subject to Congressional moratorium, which currently runs until June 30, 2022, as established by GOMESA. The portion of the EPA not subject to Congressional moratorium is bound on the east by the Military Mission Line (86°41′ W. longitude), on the south by the limits of the U.S. Exclusive Economic Zone adjacent to the area known as the northern portion of the Eastern Gap, and on the west by the CPA. The EPA available for nominations and comments at this time consists of approximately 657,905 acres, of which approximately 465,201 acres are currently unleased.

A standard Call map, depicting the proposed GOM sale area on a block-by-block basis, is available from the Bureau of Ocean Energy Management, Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, or by telephone at (800) 200–GULF. The map also is available on the BOEM Web site at *http://boem.gov/2017-2022/Call-for-Information/*.

4. Areas Excluded From Call

The entire proposed GOM sale area will be considered for possible leasing, except for those areas currently subject to Presidential withdrawal or Congressional moratorium.

5. Nominations and Public Comment Procedures

BOEM will accept comments from the public in one of two formats: via the Federal internet commenting system at regulations.gov or via regular mail. BOEM's preference is to receive comments via the internet commenting system at regulations.gov. Indications of interest and comments must be received no later than October 5, 2015. BOEM requests that comments be submitted using one of these formats, and include full names and addresses of the individual submitting the comments or indication of interest.

In order to ensure security and confidentiality of proprietary information to the maximum extent possible, BOEM requests that indications of interest and other proprietary information be sent by regular mail only.

Submitting Comments via Internet

Comments may be submitted via the Federal eRulemaking Portal at: *http://www.regulations.gov*. BOEM requests that commenters follow these instructions to submit their comments via this Web site:

(1) In the search tab on the main page, search for BOEM–2015–0075.

(2) Locate the document, then click the ''Submit a Comment'' link either on the Search Results page or the Document Details page. This will display the Web comment form.

(3) Enter the submitter information and type the comment on the Web form. Attach any additional files (up to 10MB). (Please do not provide proprietary or confidential comments or indications of interest via the Internet. Proprietary or confidential comments or indications of interest should be sent via the mail only, as described below.)

(4) After typing the comment, click the ''Preview Comment'' link to review. Once satisfied with the comment, click the ''Submit'' button to send the comment.

Information on using *www.regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

Submitting Comments or Indications of Interest via the Mail

Comments and indications of interest submitted through the mail should be in envelopes labeled ''Nominations for Proposed 2017–2022 Lease Sales in the Gulf of Mexico'' or ''Comments on the Call for Information and Nominations for Proposed 2017–2022 Lease Sales in the Gulf of Mexico'' and mailed to the Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Office of Leasing and Plans, (Attention: Ms. Ann H. Glazner), 1201 Elmwood Park Boulevard (Mail Stop 5422), New Orleans, Louisiana 70123–2394.

Public Disclosure of Comments and Indications of Interest

BOEM will not consider anonymous comments. BOEM's practice is to make comments, including the names and addresses of individuals, available for public review. Before including your address, phone number, email address, or other personal identifying information in your comment, please be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so. BOEM will make available for public inspection, in their entirety, all comments submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

Individual indications of interest in areas for mineral leasing are considered to be privileged and proprietary information. The names of persons or entities submitting comments or indicating interest will be treated by BOEM as information that may be released to the public. Comments will likewise be released, except that actual individual indications of interest in areas for mineral leasing, trade secrets, commercial or financial information will be treated as confidential and proprietary information that is privileged and will not be released to the public.

Additional Information for Submitting Comments and Indications of Interest

The Call map, provided on BOEM's Web site at *http://boem.gov/2017-2022/Call-for-Information/*, delineates the proposed GOM sale area, all of which BOEM has identified as having potential for the discovery of oil and gas

accumulations. Respondents are requested to indicate interest in, and comment on, any or all of the Federal acreage within the boundaries of the proposed GOM sale area that they wish to have included in each of the proposed lease sales in the proposed GOM sale area.

Respondents indicating their interest should outline the areas of interest along block lines and rank the areas in which they have expressed interest according to their interest priority (*e.g.,* priority 1 [high], 2 [medium], or 3 [low]), specifically indicating blocks by priority. Areas where interest has been indicated, but on which respondents have not indicated priorities, will be considered priority 3 (low).

Respondents also may nominate a list of blocks identified by Official Protraction Diagram (OPD) and Leasing Map designations to ensure correct interpretation of those nominations. A CD–ROM containing all the GOM leasing maps and OPDs is available from the BOEM Gulf of Mexico OCS Region Public Information Office. These GOM leasing maps and OPDs also are available for free online at *http://www.boem.gov/Official-Protraction-Diagrams/*. Also, BOEM seeks comments from all interested parties about particular geological, environmental (including natural disasters), biological, archaeological, and socioeconomic conditions or conflicts, or other information that could affect the potential leasing and development of particular areas. Additionally, BOEM seeks comments about possible conflicts between future OCS oil and gas activities and State Coastal Management Programs (CMPs) that may result from the proposed sales. These comments should identify specific CMP policies of concern, the nature of the conflict foreseen, and the proposed means to avoid or mitigate potential conflicts. Comments may refer to both broad areas or to particular blocks.

6. Information From Call

Information submitted in response to this Call will be used for several purposes, including identifying and prioritizing areas with potential for oil and gas development, as well as determining possible environmental effects to be further evaluated and potential conflicts in the Call area. BOEM will analyze the areas nominated in the proposed sales, their respective rankings, and the comments received to make a preliminary determination of the potential advantages and disadvantages of oil and gas exploration and development to the region and the Nation. Comments collected may be used to develop proposed actions and alternatives in the EIS process, to develop lease terms and conditions to ensure safe offshore operations, and to assess potential conflicts between offshore oil and gas activities and a State's CMP.

7. Existing Information

BOEM routinely assesses the status of information acquisition efforts and the quality of the information base for potential decisions on tentatively scheduled lease sales. As a result of this ongoing assessment, BOEM has determined that the status of existing and extensive data available for planning, analysis, and decision making is adequate.

An extensive environmental studies program has been underway in the GOM since 1973. The emphasis, including continuing studies, has been on environmental characterization of biologically sensitive habitats, physical oceanography, ocean-circulation modeling, and ecological effects of oil and gas activities.

A complete listing of available study reports and information for ordering copies can be obtained from the Public Information Office referenced above. The reports also may be ordered, for a fee, from the U.S. Department of Commerce, National Technical Information Service, 5301 Shawnee Road, Alexandria, Virginia 22312, or by telephone at (703) 605–6000 or (800) 553–6847. In addition, a program status report for continuing studies in this area can be obtained from the Chief, Environmental Sciences Section, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, by telephone at (504) 736–2752, or via the BOEM Web site at *http://www.boem.gov/Studies/*. Finally, this information can be found on BOEM's Environmental Studies Program Information System (ESPIS) at *http://www.boem.gov/Environmental-Studies-EnvData/*.

8. Tentative Schedule

Milestones for proposed 2017–2022 region-wide GOM area identification	Scheduled for
Call for Information and Nominations	September 2015.
Comments received on Call	September–October 2015.
Area Identification Decision	Fall 2015.

Dated: September 1, 2015.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2015–22073 Filed 9–3–15; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–918]

Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of Investigation; Certain Toner Cartridges and Components Thereof

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to issue: (1) a general exclusion order barring entry of certain toner cartridges and components thereof that infringe certain patents asserted in this investigation; and (2) cease and desist orders directed against certain domestic defaulting respondents. The Commission has terminated this investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S.

International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''Section 337''), on June 12, 2014, based on a complaint filed by Canon Inc. of Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, ''Canon''). 79 FR 33777–78 (June 12, 2014). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 8,280,278 (''the '278 patent''); 8,630,564 (''the '564 patent''); 8,682,215 (''the '215 patent''); 8,676,090 (''the '090 patent''); 8,369,744 (''the '744 patent''); 8,565,640 (''the '640 patent''); 8,676,085 (''the '085 patent''); 8,135,304 (''the '304 patent''); and 8,688,008 (''the '008 patent''). *Id.* The notice of investigation named thirty-three companies as respondents. *Id.* The Commission's Office of Unfair Import Investigations was also named as a party. Subsequently, the investigation was partially terminated based on withdrawal of the complaint as to all asserted claims of the following patents: (1) the '744 patent; (2) the '640 patent; (3) the '085 patent; and (4) the '304 patent.

During the investigation, the ALJ issued initial determinations (''IDs'') terminating the investigation based on consent orders as to fifteen respondents:, Print-Rite Holdings Ltd.; Print-Rite N.A., Inc.; Union Technology Int'l (M.C.O.) Co. Ltd.; Print-Rite Unicorn Image Products Co. Ltd.; Innotex Precision Ltd.; Ninestar Image Tech Limited; Zhuhai Seine Technology Co., Ltd.; Ninestar Technology Company, Ltd.; Seine Tech (USA) Co., Ltd.; Nano Pacific Corporation; International Laser Group, Inc.; Ink Technologies Printer Supplies, LLC; LD Products, Inc.; Linkyo Corporation; and Katun Corporation. *See* ALJ Order Nos. 13 (*not reviewed* Nov. 4, 2014), 16 (*not reviewed* Nov. 24, 2014), 28 (*not reviewed* Apr. 3, 2015), 29 (*not reviewed* Apr. 3, 2015), 30 (*not reviewed* Apr. 3, 2015), 31 (*not reviewed* Apr. 3, 2015), and 32 (*not reviewed* Apr. 3, 2015). The ALJ also issued an ID terminating the investigation based on Canon's withdrawal of allegations as to two respondents, Seine Image Int'l Co., Ltd. and Ninestar Image Tech, Ltd. *See* ALJ Order No. 4 (*not reviewed* Aug. 1, 2014). Likewise, the ALJ issued another ID terminating the investigation as to respondent Seine Image (USA) Co., Ltd. due to the corporate dissolution of the respondent. *See* ALJ Order No. 27 (*not reviewed* Apr. 1, 2015).

The ALJ also issued IDs finding the following ten respondents in default: Acecom, Inc. -San Antonio of San Antonio, Texas; ACM Technologies, Inc. of Corona, California; Shenzhen ASTA Official Consumable Co., Ltd. of Longgang District, Shenzhen, China; Do It Wiser LLC of Alpharetta, Georgia; Grand Image Inc. of City of Industry, California; Green Project, Inc. of Hacienda Heights, California; Nectron International, Inc. of Sugar Land, Texas; Online Tech Stores, LLC of Reno, Nevada; Printronic Corporation of Santa Ana, California; and Zinyaw LLC of Houston, Texas. *See* Order Nos. 6 (*not reviewed* Aug. 25, 2014), 12 (*not reviewed* Oct. 1, 2014), 15 (*not reviewed* Nov. 17, 2014).

The remaining five named respondents are Aster Graphics, Inc. of Placentia, California; Jiangxi Yibo E-Tech Co., Ltd. of Xinyu City, Jiangxi, China; Aster Graphics Co., Ltd. of Zhongshan, Guangdong, China; The Supplies Guys, LLC of Midland Park, New Jersey; and American Internet Holdings, LLC of Midland Park, New Jersey. Each of them has acknowledged and stipulated that it has failed to act within the meaning of Commission Rule 210.17, at least because it failed to file a prehearing statement and brief in accordance with the Procedural Schedule (Order No. 9), and that it therefore has no standing to contest Canon's evidence and arguments that it has violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337. *See* Stipulation Regarding the Status of the Aster and Supplies Guys Respondents (Feb. 26, 2015).

On May 12, 2015, the ALJ issued an ID (Order No. 34) granting Canon's motion for summary determination of violation and recommending the issuance of a general exclusion order and several cease and desist orders. No party petitioned for review of the ID.

The Commission determined to affirm the ALJ's finding of a violation of section 337. The Commission also determined to review, and on review, to strike or modify certain portions of the ID. Furthermore, the Commission requested briefing on the issues of remedy, the public interest and bonding. *See* 80 FR 37299–301 (June 30, 2015). Canon and the Commission investigative attorney filed timely submissions pursuant to the Commission's Notice. No other parties filed any submissions in response to the Commission's Notice.

Having reviewed the submissions filed in response to the Commission's Notice and the evidentiary record, the Commission has determined that the appropriate form of relief in this investigation is a general exclusion order barring entry of certain toner cartridges and components thereof covered by one or more of claims 160, 165, and 166 of the '278 patent; claims 171, 176, 179, 181, 189, 192, and 200 of the '564 patent; claims 23, 26, 27, and 29 of the '215 patent; claims 1–4 of the '090 patent; and claims 1, 7–9, 11, 12, and 34 of the '008 patent. The Commission has also determined to issue cease and desist orders directed against Acecom, Inc.-San Antonio; Do It Wiser LLC; Grand Image Inc.; Green Project, Inc.; Nectron International, Inc.; Online Tech Stores, LLC; Printronic Corporation; and Zinyaw LLC. The Commission has further determined that the public interest factors enumerated in subsections (d)(l), (f)(1), and (g)(1) (19 U.S.C. 1337(d)(l), (f)(1), (g)(1)) do not preclude issuance of the general exclusion order and cease and desist orders. Additionally, the Commission has determined that a bond in the amount of one hundred (100) percent of the entered value is required to permit temporary importation of the articles in question during the period of Presidential review (19 U.S.C. 1337(j)). The Commission has also issued an opinion explaining the basis for the remedy. The investigation is terminated.

The Commission's orders and the record upon which it based its determination were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has also notified the Secretary of the Treasury of the orders.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 31, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–21962 Filed 9–3–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–15–028]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission

TIME AND DATE: September 10, 2015 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–540–544 and 731–TA–1283–1290 (Preliminary) (Cold-Rolled Steel Flat Products from Brazil, China, India, Japan, Korea, Netherlands, Russia, and the United Kingdom). The Commission is currently scheduled to complete and file its determinations on September 11, 2015; views of the Commission are currently scheduled to be completed and filed on September 18, 2015.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 2, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–22542 Filed 9–2–15; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0009]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Application for Suspension of Deportation (Form EOIR–40)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review, 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. This proposed information collection was previously published in the FR 80 38232, on July 2, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until October 5, 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 Charles Adkins-Blanch, Acting General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia 20530; telephone: (703) 305–0470. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

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 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/or
—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, without change, of a currently approved collection.
2. *The Title of the Form/Collection:* Application for Suspension of Deportation.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–40, Executive Office for Immigration Review, United States Department of Justice.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual aliens determined to be deportable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individual aliens, who have been determined to be deportable from the United States, for suspension of their deportation pursuant to former section 244 of the Immigration and Nationality Act and 8 CFR 1240.55 (2011), as well as to provide information relevant to a favorable exercise of discretion.
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 160 respondents will complete the form annually with an average of 5 hours and 45 minutes per response.
6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 920 hours. It is estimated that respondents will take 5 hours and 45 minutes to complete the form.

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: September 1, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–22015 Filed 9–3–15; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0094]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Proposed Collection: Revision of Currently Approved Collection Survey: Annual Survey of Jails; Death in Custody Reporting Program—Local Jails; Survey of Jails in Indian Country

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs,

Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 3, 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 Margaret Noonan, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Margaret.Noonan@usdoj.gov*; telephone: 202–353–2060).

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:* Annual Jail Collection. The collection includes the Annual Survey of Jails (ASJ), Deaths in Custody Reporting Program (DCRP)—Local Jails, and the Survey of Jails in Indian Country (SJIC).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

This collection includes the following forms:

- CJ–9A/5: *Annual Survey of Jails.* This form goes to jail jurisdictions in the ASJ sample that are operated by the county or city.
- CJ–10A/5: *Annual Survey of Jails. Multi-Jurisdiction or Private Facility.* This form goes to confinement facilities in the ASJ sample that are administered by two or more governments (regional jails) and privately owned or operated confinement facilities.
- CJ–9A: *Deaths in Custody, Annual Summary on Inmates under Jail Jurisdiction.* This form goes to jail jurisdictions that are not included in the ASJ sample.
- CJ–10A: *Deaths in Custody, Annual Summary on Inmates in Private and Multi-Jurisdiction Jails.* This form goes to confinement facilities administered by two or more local governments (regional jails) and to privately owned or operated confinement facilities that are not included in the ASJ sample.
- CJ–9: *Deaths in Custody, Death Report on Inmates under Jail Jurisdiction.* This form goes to all jail jurisdictions that are operated by the county or city. Jails administers are requested to fill out this form if their facilities had one or more deaths in that calendar year.
- *CJ*–10: *Deaths in Custody, Death Report on Inmates in Private and Multi-Jurisdiction Jail.* This form goes to all confinement facilities administered by two or more local governments (regional jails) and privately owned or operated confinement facilities. Jails administrators are requested to fill out this form if their facilities had one or more deaths in that calendar year.
- *CJ*–5B: *Survey of Jails in Indian Country.* All jail administrators in Indian Country Indian country jails receive the CJ–5B form. Indian Country jails are owned or operated by tribal authorities or the Bureau of Indian Affairs (BIA).

The applicable component within the Department of Justice is the Bureau of Justice Statistics (Corrections Unit), in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public that will be asked to respond include approximately 3,080 county, city, and tribal jail authorities.

The Annual Survey of Jails (ASJ) and Survey of Jails in Indian Country (SJIC) provide the nationally-representative data on local jail populations and jails in Indian country. BJS, other federal agencies, and state, local, and tribal corrections authorities and administrators, as well as legislators, researchers, and jail planners use these data to track annual changes in the demographic characteristics of the jail population as well as changes in the jail population, jail capacity and crowding, the flow of inmates moving into and out of jails, and use of jail space by other correctional institutions. Providers of the data are administrators in approximately 941 county and city jails and 80 tribal jails.

The ASJ collects the following data at from local jails operated at the city or county level. Reporting units within the jail report data for their jail jurisdiction:

(a) The number of male and female inmate deaths during the previous calendar year (new to the 2015 surveys).

(b) The number of inmates confined in jail facilities at midyear (last weekday in the month of June).

(c) The number of inmates confined in jail facilities and the number of inmates under jail supervision but not confined (*e.g.,* electronic monitoring, day reporting, etc.) at yearend (December 31).

(d) The numbers of following types of confined inmates—males—adult; females—adult; males—17 and under, females—17 and under; 17 and under held as adults; non-U.S. citizen; convicted; unconvicted; held for a felony; held for a misdemeanor; white, black, Hispanic, American Indian, Asian American, Native Hawaiian, and multiracial; and held for Federal authorities, State prison authorities, tribal government, and other local jail jurisdictions—at yearend.

(e) Whether the jail facilities have a weekend incarceration program and the number of inmates participating.

(f) The date and count for the greatest number of confined inmates during December.

(g) The number of new admissions into and final discharges from jail facilities in collection year by sex.

(h) The average daily population of jail facilities from January 1 to December 31 of collection year by sex.

(i) Jail rated capacity.

(j) The numbers of unconfined persons participating in various programs such as electronic monitoring, home detention, community service, day reporting, etc. at yearend.

(k) The numbers of correctional and other staff employed by sex at yearend.

The SJIC collects the following data for jails in Indian country at the jail level:

(a) The total number of confined inmates in jail facilities at midyear (last weekday in the month of June).

(b) The numbers of following types of confined inmates in jails—males—adult; females—adult; males—17 and under;

females—17 and under, 17 and under held as adults, convicted, unconvicted, held for felony, held for misdemeanor, and held for specific offenses such as domestic violence, assault, burglary, larceny, drug violation, etc.—at midyear.

(c) The average daily population during the 30-day period in June.

(d) The date and count for the greatest number of confined inmates during the 30-day period in June.

(e) The number of new admissions into and final discharges during the month of June.

(f) The number of inmate deaths while confined; the number of deaths attributed to suicide; and the number of confined inmates that attempted suicide from July 1 of the previous year to June 30 of the current collection year.

(g) The total rated capacity of jail facilities at midyear.

(h) The number of correctional staff employed by the facility and their occupation (*e.g.,* administration, jail operations, educational staff, etc.) at midyear.

Originally authorized by the *Death in Custody Reporting Act (DICRA) of 2000,* the Death in Custody Reporting Program (DCRP)—Local Jails is the only national database that can inform the issue of mortality in jails in depth. BJS uses this data to track and report on total and cause-specific deaths and mortality rates in jails. The DCRP-Local Jails has two components: Jail-level collection of retrospective yearend inmate counts and individual-level collection of information on deceased inmates during the current calendar year. Specifically, the following items are collected:

(a) The number of inmates confined in jail facilities on December 31 of the previous year by sex.

(b) The number of inmates admitted to jail facilities in the previous year by sex.

(c) The number of inmates confined in local jails on behalf of U.S. Immigration and Customs Enforcement, the U.S. Marshals Service or any other hold for another jurisdiction.

(d) The average daily population of all jail confinement facilities operated by the jurisdiction in the previous year by sex.

(e) The number of persons who died while under the supervision of the jurisdiction in the previous year by sex.

(f) The first, last name and middle initial, date of death, date of birth, sex, and race/ethnic origin for each inmate who died during the reporting year.

(g) Whether the deceased inmate was being held in the local jail or under the authority of the state department of correction; on the behalf of U.S. Immigration and Customs Enforcement; the U.S. Marshals Service, or other counties, jurisdictions or correctional authorities.

(h) The admission date and current offense(s) for each inmate who died during the reporting year.

(i) The legal status for each inmate who died during the reporting year.

(j) Whether the inmate ever stayed overnight in a mental health observation unit or outside mental health facility.

(k) The location and cause of death of each inmate death that took place during the reporting year.

(l) The time of day that the incident causing the inmate's death occurred and where the incident occurred (limited to accidents, suicides, and homicides only).

(m) Whether the cause of death was a preexisting medical condition or a condition that developed after admission to the facility and whether the inmate received treatment for the medical condition after admission and if so, the kind of treatment received (deaths due to accidental injury, intoxication, suicide, or homicide do not apply).

(n) Whether an autopsy/postmortem exam/review of medical records to determine the cause of death of the inmate was performed and the availability of those results.

(o) The survey ends with a box in which respondents can enter notes.

(p) Confirmation or correction of the agency and agency head's name, phone number, email address, and mailing address.

(q) Confirmation or correction of the agency's primary point of contact for data collection, title, phone number, email address, and mailing address;

(r) Confirmation or correction of the names of facilities within the jurisdiction.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond*

The ASJ and DCRP—Local Jails previously had separate survey operations. In an effort to reduce burden on respondents and minimize costs associated with the ASJ and the DCRP, the ASJ will be fielded along with the DCRP beginning in reference year 2015. Another major change in the 2015 DCRP–ASJ is the simplification of questionnaire forms. The current ASJ sample includes approximately 335 jail jurisdictions (370 reporting units, or about one-third of ASJ respondents), which are selected with certainty (probability of 1). From 2010 to 2014, these ''certainty jails'' received a different questionnaire with additional questions on staffing, physical assaults on staff, and the numbers of rule violations by inmates in various categories, while the non-certainty jails received a shorter questionnaire without those items. The previously estimated time to complete the longer form was 2 hours, while the estimated time to complete the shorter form remains 1.25 hours. The total burden hours previously associated with the ASJ was 1,454 hours. Starting in reference year 2015, all ASJ respondents will receive the shorter questionnaire form, regardless of certainty status. This change will result in a total burden hour estimate of 1,176 hours, or a reduction of about 278 burden hours on respondents. The estimated burden hour for each form in the annual jail collection is listed below:

(a) *ASJ (CJ–9A/5 and CJ–10A/5)*—There will be 941 respondents to ASJ for collection year 2015. It takes current ASJ respondents an average of 75 minutes to supply the information, so the burden hours are 1,176.

(b) *DCRP—Local Jails annual summary forms (CJ–9A and CJ–10A)*—BJS estimates that 2,059 jail respondents will complete these forms, with an average response time of 15 minutes. The burden hours for these forms are 515.

(c) *SJIC (CJ–5B)*—eighty respondents will be asked to respond to SJIC for collection year 2016. BJS estimates that it takes an average of 75 minutes to supply the information for a total burden of 100 hours.

(d) *Local jails/death reports (forms CJ–9 and CJ–10)*—Analysis of data from data years 2000 through 2013 shows that annually approximately 80% of jails nationwide have no death in a given calendar year and do not need to complete a death report form. Approximately 600 jails will complete reports for 950 inmate deaths. Each report takes about 30 minutes, for a total of 450 hours. Unlike the CJ–9A/5, CJ–10A/5, CJ9A, and CJ10A forms, the CJ–9 and CJ–10 forms are not retrospectively. As a result, the reference year is the same as the calendar year.

(e) *BJS collection agent also makes verification calls to jail respondents to ensure data quality.* With 3000 respondents and 9 minute per call, data verification induces a burden of 450 hours.

Form	Purpose of contact	Number of data suppliers	Number of responses	Average reporting time (min)	Burden hours
CJ–9A/5, CJ–10A/5	ASJ–DCRP	941	941	75	1,176
CJ–9A, CJ–10A	DCRP annual summary	2059	2059	15	515
CJ–5B	SJIC	80	80	75	100
CJ–9, CJ–10	DCRP death records	600	950	30	450
	ASJ–DCRP verification call	3,000	3,000	9	450
Total					2,691

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total burden hours associated with this collection for reference years is 2,691.

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: September 1, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–22017 Filed 9–3–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0249]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Proposed Collection: Revision of Currently Approved Collection Survey: Death in Custody Reporting Program—Prisons

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 3, 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 Margaret Noonan, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Margaret.Noonan@usdoj.gov;* telephone: 202–353–2060).

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:* Deaths in Custody Reporting Program—State Prisons. The collection includes the Deaths in Custody Reporting Program (DCRP)—State Prisons.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

This collection includes the following forms:

- NPS–4: *Annual Summary of Inmate Deaths in State Prisons.* This is sent to the 50 state departments of correction.
- NPS–4A: *State Prison Inmate Death Report.* This is sent to the 50 state departments of correction.

The applicable component within the Department of Justice is the Bureau of Justice Statistics (Corrections Unit), in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public that will be asked to respond include 50 state department of corrections authorities.

Originally authorized by *the Death in Custody Reporting Act (DICRA) of 2000,* the Death in Custody Reporting Program (DCRP) is the only national database that can inform the issue of mortality in local jails and prisons in depth. BJS uses this data to track and report on total and cause-specific deaths and mortality rates in correctional facilities. The local jail portion of the collection is now part of the BJS Annual Jail Collection, and is not addressed in this notice. The arrest-related death collection, which was historically part of the DCRP, has been temporarily suspended and is also not part of this clearance.

The DCRP-prisons collection has two components: A summary count of the number of deaths occurring in state departments of correction and individual-level death forms that collect information on inmates dying while in the custody of state prisons. Specifically, the following items are collected:

(a) Number of persons who died while in the custody of state correctional facilities.

(b) The first, last name and middle initial, date of death, date of birth, sex, and race/ethnic origin for each inmate who died during the reporting year.

(c) The name and location of the correctional facility involved.

(d) The admission date and current offense(s) for each inmate who died during the reporting year.

(e) Whether the inmate ever stayed overnight in a mental health observation unit or outside mental health facility.

(f) The location and cause of death of each inmate death that took place during the reporting year.

(g) The time of day that the incident causing the inmate's death occurred and where the incident occurred (limited to accidents, suicides, and homicides only).

(h) Whether the cause of death was a preexisting medical condition or a condition that developed after admission to the facility and whether the inmate received treatment for the medical condition after admission and if so, the kind of treatment received (deaths due to accidental injury, intoxication, suicide, or homicide do not apply).

(i) Whether an autopsy/postmortem exam/review of medical records to determine the cause of death of the inmate was performed and the availability of those results.

(j) The survey ends with a box in which respondents can enter notes.

(k) Confirmation or correction of the agency and agency head's name, phone number, email address, and mailing address.

(l) Confirmation or correction of the agency's primary point of contact for data collection, title, phone number, email address, and mailing address;

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Prior to 2015, DCRP clearance included deaths in the process of arrest, local jails and state prisons. The arrest-related death collection has been temporarily suspended due to data quality and coverage issues. The arrest-related death collection will seek a separate OMB clearance when work on the project begins again. In an effort to reduce burden on respondents and minimize costs associated with the ASJ and the DCRP, the ASJ will be fielded along with the DCRP beginning in early 2016. The major change to the DCRP collection is the downgrade in burden hours to account for the ARD and DCRP-jail collections no longer being a part of the clearance package. Otherwise, there are no proposed substantive changes to the DCRP-prisons collection. *DCRP-prisons (NPS–4, NPS–4A)*—There will be 50 respondents to DCRP-prisons for collection year 2015. It takes current DCRP respondents an average of 30 minutes to complete the death form and 5 minutes to complete the annual summary form, or 1,704 burden hours.

(a) *BJS collection agent also makes verification calls to prison respondents to ensure data quality.* With 50 respondents and 9 minute per call, data verification induces a burden of 8 hours.

Form	Purpose of contact	Number of data suppliers	Number of responses	Average reporting time (min)	Burden hours
NPS–4	DCRP Annual Summary	50	50	5	4
NPS–4A	DCRP death records	50	3,400	30	1,700
	ASJ–DCRP verification call	50	50	9	8
Total 2016					1,712

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total burden hours associated with this collection for report year 2016 is 1,712.

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: September 1, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–22016 Filed 9–3–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1694]

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 Thursday, September 24, 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. 2015–21970 Filed 9–3–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2015–15; Application No. D–11696]

Notice of Exemption Involving Deutsche Bank AG (Deutsche Bank or the Applicant) Located in Frankfurt, Germany

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Notice of temporary exemption.

SUMMARY: This document contains a temporary exemption issued by the Department of Labor (the Department). The exemption permits certain entities with specified relationships to Deutsche Bank to continue to rely upon the relief provided by Prohibited Transaction Class Exemption (PTE) 84–14, for a period of nine months, following the criminal conviction of Deutsche Securities Korea Co. (Deutsche Securities Korea Co. or DSK) for spot/futures-linked market price manipulation.

DATES: *Effective Date:* This exemption is effective for a period of nine months, beginning on the date (the Conviction Date) that a judgment of conviction against DSK is entered in Seoul Central District Court, South Korea, relating to charges filed against DSK under Articles 176, 443, and 448 of South Korea's Financial Investment Services and Capital Markets Act for spot/futures-linked market price manipulation.

FOR FURTHER INFORMATION CONTACT: Scott Ness, telephone (202) 693–8561, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 24, 2015, the Department of Labor (the Department) published a notice of proposed temporary exemption in the **Federal Register** at 80 FR 51314, for certain entities with specified relationships to Deutsche Bank to continue to rely on the relief provided by Prohibited Transaction Class Exemption (PTE) 84–14,[1] notwithstanding an impending judgment of conviction, in Seoul Central District Court, South Korea, against DSK, which could be entered as early as September 3, 2015, for spot/futures-linked market price manipulation (the Conviction).

This exemption was requested by Deutsche Bank pursuant to section 408(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA) and section 4975(c)(2) of the Internal Revenue Code of 1986, as amended (the Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). Effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975(c)(2) of the Code to the Secretary of Labor. Accordingly, this notice of temporary exemption is being issued solely by the Department.

As noted in the proposed exemption, once DSK is convicted, asset managers affiliated with DSK (the DB QPAMs) will be unable to rely on the relief provided by PTE 84–14. In this regard, Section I(g) of PTE 84–14 precludes a person who may otherwise meet the definition of a QPAM from relying on the relief provided by that class exemption if that person or its ''affiliate'' has, within 10 years immediately preceding the transaction, been either convicted or released from imprisonment, whichever is later, as a result of certain specified criminal activity described therein. This exemption preserves the ability of DB QPAMs to continue to rely on the relief provided by PTE 84–14, following the Conviction, for a period of nine months beginning on the Conviction Date, as long as the conditions herein are met. Absent this temporary relief, plans and IRAs with assets managed by the DB QPAMs may incur substantial costs in being forced to liquidate and reinvest their portfolios, and hire new investment managers on short notice. This exemption insulates these plans and IRAs from such sudden costs and/or losses, in a manner that is protective of the plans and IRAs.

Following Deutsche Bank's submission of Exemption Application No. D–11696, which is the subject of this exemption (the First Request), Deutsche Bank filed an additional exemption application (Exemption Application No. D–11856, hereinafter, the Second Request) regarding an additional impending criminal conviction. The Second Request seeks exemptive relief for DB QPAMs to continue to rely on PTE 84–14 for a period of ten years, notwithstanding both: The criminal conviction of DSK for market manipulation that is the subject of this exemption; and the criminal conviction of a Deutsche Bank affiliate, DB Group Services UK Limited, for one count of wire fraud in connection with its role in manipulating LIBOR.

The Department has tentatively denied the Second Request, upon initially determining that the exemption sought is not in the interest of affected plans and IRAs, and not protective of those plans and IRAs. If the Department makes a final decision not to propose the Second Request, the DB QPAMs will be unable to rely on the relief set forth in PTE 84–14 upon the earlier of the day that follows the nine month term of this exemption, or the date any of the conditions herein are not met. The Department notes that Deutsche Bank has requested a conference to afford Deutsche Bank the opportunity to provide additional information in support of its exemption request. Following the conference, the Department will review the entire record, including any additional information provided in connection with the conference, before determining whether to continue processing the Second Request.

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption published in the **Federal Register** on August 24, 2015. The Department did not receive any comments or requests for a hearing.

This exemption contains several conditions, including an audit to be performed by an independent auditor that is designed to ensure legal compliance by each DB QPAM by requiring rigorous training on fiduciary duties and ethical conduct, as outlined in Subsections I(e) and (f). In addition, each DB QPAM is generally required to permit plans and IRAs to transfer their assets to another asset manager without imposing an additional fee, penalty, or charge on such plan or IRA. Also, the DB QPAMs may not require that plans or IRAs insulate the QPAM from liability for violating ERISA or the Code or engaging in prohibited transactions.

As a final note, the Department stresses that the act of selecting and retaining an investment manager service provider is a fiduciary act; and that a plan fiduciary is under a continuing duty to monitor the service provider's performance at reasonable intervals. Fiduciaries (including investment managers) should be reviewed by the appointing fiduciaries in such a manner as may be reasonably expected to ensure

[1] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

that their performance has been in compliance with the terms of the plan and statutory standards (*e.g.,* prudence, exclusive benefit, and prohibited transactions rules). Such review may cause the appointing fiduciary to reconsider the prudence of employing the fiduciary as a service provider to its ERISA-covered plan.

The Department has decided to grant this temporary exemption after giving full consideration to: The types of transactions covered by this exemption; the potential harm to plans and IRAs if temporary relief is not granted; and the protective nature of the conditions imposed herein. The complete application file, with copies of the comments, is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the proposed exemption published in the **Federal Register** on August 24, 2015, at 80 FR 51314.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) In accordance with section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department makes the following determinations: The exemption is administratively feasible, the exemption is in the interests of the plan and of its participants and beneficiaries, and the exemption is protective of the rights of participants and beneficiaries of the plan;

(3) The exemption is supplemental to, and not in derogation of, any other provisions of ERISA, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describe all material terms of the transaction which is the subject of the exemption.

Accordingly, the following exemption is granted under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011):

Exemption

Section I: Covered Transactions

The DB QPAMs (as defined in Section II(b)) shall not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption (PTE) 84–14,[2] notwithstanding the Conviction (as defined in Section II(a)), for a period of nine months beginning on the date of the Conviction (the Conviction Date), provided that the following conditions are satisfied:

(a) The DB QPAMs (including their officers, directors, agents other than Deutsche Bank, and employees of such DB QPAMs) did not know of, have reason to know of, or participate in the criminal conduct of DSK that is the subject of the Conviction;

(b) Any failure of the DB QPAMs to satisfy Section I(g) of PTE 84–14 arose solely from the Conviction;

(c) The DB QPAMs did not directly receive compensation in connection with the criminal conduct that is the subject of the Conviction;

(d) A DB QPAM will not use its authority or influence to direct an ''investment fund'' (as defined in Section VI(b) of PTE 84–14) that is subject to ERISA and managed by such DB QPAM to enter into any transaction with DSK or engage DSK to provide additional services to such investment fund, for a direct or indirect fee borne by such investment fund regardless of whether such transactions or services may otherwise be within the scope of relief provided by an administrative or statutory exemption;

(e)(1) Each DB QPAM immediately develops, implements, maintains, and follows written policies (the Policies) requiring and reasonably designed to ensure that: (i) The asset management decisions of the DB QPAM are conducted independently of Deutsche Bank's management and business activities; (ii) the DB QPAM fully complies with ERISA's fiduciary duties and ERISA and the Code's prohibited transaction provisions and does not knowingly participate in any violations of these duties and provisions with respect to ERISA-covered plans and IRAs; (iii) the DB QPAM does not knowingly participate in any other person's violation of ERISA or the Code with respect to ERISA-covered plans and IRAs; (iv) any filings or statements made by the DB QPAM to regulators, including but not limited to, the Department of Labor, the Department of the Treasury, the Department of Justice, and the Pension Benefit Guaranty Corporation, on behalf of ERISA-covered plans or IRAs are materially accurate and complete, to the best of such QPAM's knowledge at that time; (v) the DB QPAM does not make material misrepresentations or omit material information in its communications with such regulators with respect to ERISA-covered plans or IRAs, or make material misrepresentations or omit material information in its communications with ERISA-covered plan and IRA clients; (vi) the DB QPAM complies with the terms of this exemption; and (vii) any violations of or failure to comply with items (ii) through (vi) are corrected promptly upon discovery and any such violations or compliance failures not promptly corrected are reported, upon discovering the failure to promptly correct, in writing, to appropriate corporate officers, the head of Compliance, and the General Counsel of the relevant DB QPAM, the independent auditor responsible for reviewing compliance with the Policies, and a fiduciary of any affected ERISA-covered plan or IRA where such fiduciary is independent of Deutsche Bank; however, with respect to any ERISA-covered plan or IRA sponsored by an ''affiliate'' (as defined in Section VI(d) of PTE 84–14) of Deutsche Bank or beneficially owned by an employee of Deutsche Bank or its affiliates, such fiduciary does not need to be independent of Deutsche Bank; DB QPAMs will not be treated as having failed to develop, implement, maintain, or follow the Policies, provided that

[2] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

they correct any instances of noncompliance promptly when discovered or when they reasonably should have known of the noncompliance (whichever is earlier), and provided that they adhere to the reporting requirements set forth in this item (vii);

(2) Each DB QPAM immediately develops and implements a program of training (the Training), conducted at least annually for relevant DB QPAM asset management, legal, compliance, and internal audit personnel; the Training shall be set forth in the Policies and, at a minimum, cover the Policies, ERISA and Code compliance (including applicable fiduciary duties and the prohibited transaction provisions) and ethical conduct, the consequences for not complying with the conditions of this exemption, (including the loss of the exemptive relief provided herein), and prompt reporting of wrongdoing;

(f)(1) Each DB QPAM submits to an audit conducted by an independent auditor, who has been prudently selected and who has appropriate technical training and proficiency with ERISA to evaluate the adequacy of, and compliance with, the Policies and Training described herein; the audit requirement must be incorporated in the Policies. The audit must cover the time period during which this exemption is effective, and must be completed no later than three (3) months after the period to which the audit applies;

(2) To the extent necessary for the auditor, in its sole opinion, to complete its audit and comply with the conditions for relief described herein, and as permitted by law, each DB QPAM and, if applicable, Deutsche Bank, will grant the auditor unconditional access to its business, including, but not limited to: Its computer systems, business records, transactional data, workplace locations, training materials, and personnel;

(3) The auditor's engagement shall specifically require the auditor to determine whether each DB QPAM has developed, implemented, maintained, and followed Policies in accordance with the conditions of this exemption and developed and implemented the Training, as required herein;

(4) The auditor's engagement shall specifically require the auditor to test each DB QPAM's operational compliance with the Policies and Training;

(5) For each audit, the auditor shall issue a written report (the Audit Report) to Deutsche Bank and the DB QPAM to which the audit applies that describes the procedures performed by the auditor during the course of its examination. The Audit Report shall include the auditor's specific determinations regarding the adequacy of, and compliance with, the Policies and Training; the auditor's recommendations (if any) with respect to strengthening such Policies and Training; and any instances of the respective DB QPAM's noncompliance with the written Policies and Training described in Section I(e) above. Any determinations made by the auditor regarding the adequacy of the Policies and Training and the auditor's recommendations (if any) with respect to strengthening the Policies and Training of the respective DB QPAM shall be promptly addressed by such DB QPAM, and any actions taken by such DB QPAM to address such recommendations shall be included in an addendum to the Audit Report. Any determinations by the auditor that the respective DB QPAM has implemented, maintained, and followed sufficient Policies and Training shall not be based solely or in substantial part on an absence of evidence indicating noncompliance. In this last regard, any finding that the DB QPAM has complied with the requirements under this subsection must be based on evidence that demonstrates the DB QPAM has actually implemented, maintained, and followed the Policies and Training required by this exemption, and not solely on evidence that demonstrates that the DB QPAM has not violated ERISA;

(6) The auditor shall notify the respective DB QPAM of any instances of noncompliance identified by the auditor within five (5) business days after such noncompliance is identified by the auditor, regardless of whether the audit has been completed as of that date;

(7) With respect to each Audit Report, the General Counsel or one of the three most senior executive officers of the DB QPAM to which the Audit Report applies, certifies, in writing, under penalty of perjury, that the officer has reviewed the Audit Report and this exemption; and addressed, corrected, or remedied any inadequacies identified in the Audit Report;

(8) An executive officer of Deutsche Bank reviews the Audit Report for each DB QPAM and certifies in writing, under penalty of perjury, that such officer has reviewed each Audit Report;

(9) Each DB QPAM provides its certified Audit Report to the Department's Office of Exemption Determinations (OED), 200 Constitution Avenue NW, Suite 400, Washington DC 20210, no later than 30 days following its completion, and each DB QPAM makes its Audit Report unconditionally available for examination by any duly authorized employee or representative of the Department, other relevant regulators, and any fiduciary of an ERISA-covered plan or IRA, the assets of which are managed by such DB QPAM;

(10) Each DB QPAM and the auditor will submit to OED (A) any engagement agreement(s) entered into pursuant to the engagement of the auditor under this exemption, and (B) any engagement agreement entered into with any other entities retained in connection with such QPAM's compliance with the Training or Policies conditions of this exemption, no later than three (3) months after the date of the Conviction (and one month after the execution of any agreement thereafter);

(11) The auditor shall provide OED, upon request, all of the workpapers created and utilized in the course of the audit, including, but not limited to: The audit plan, audit testing, identification of any instances of noncompliance by the relevant DB QPAM, and an explanation of any corrective or remedial actions taken by the applicable DB QPAM; and

(12) Deutsche Bank must notify the Department at least 30 days prior to any substitution of an auditor, except that no such replacement will meet the requirements of this paragraph unless and until Deutsche Bank demonstrates to the Department's satisfaction that such new auditor is independent of Deutsche Bank, experienced in the matters that are the subject of the exemption, and capable of making the determinations required of this exemption;

(g) With respect to each ERISA-covered plan or IRA for which a DB QPAM provides asset management or other discretionary fiduciary services, each DB QPAM agrees: (1) To comply with ERISA and the Code, as applicable with respect to such ERISA-covered plan or IRA, and refrain from engaging in prohibited transactions that are not otherwise exempt; (2) not to waive (or cause to be waived), limit, or qualify the liability of the DB QPAM for violating ERISA or the Code or engaging in prohibited transactions; (3) not to require the ERISA-covered plan or IRA (or sponsor of such ERISA-covered plan or beneficial owner of such IRA) to indemnify the DB QPAM for violating ERISA or engaging in prohibited transactions, except for violations or prohibited transactions caused by an error, misrepresentation, or misconduct of a plan fiduciary or other party hired by the plan fiduciary who is independent of Deutsche Bank; (4) not to restrict the ability of such ERISA-covered plan or IRA to terminate or

withdraw from its arrangement with the DB QPAM, with the exception of reasonable restrictions, appropriately disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors, provided that such restrictions are applied consistently and in like manner to all such investors; and (5) not to impose any fees, penalties, or charges for such termination or withdrawal with the exception of reasonable fees, appropriately disclosed in advance, that are specifically designed to prevent generally recognized abusive investment practices or specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors, provided that such fees are applied consistently and in like manner to all such investors. Within two (2) months of the date of publication of this notice of exemption in the **Federal Register**, each DB QPAM will provide a notice of its obligations under this Section I(g) to each ERISA-covered plan or IRA for which a DB QPAM provides asset management or other discretionary fiduciary services;

(h) Each DB QPAM will maintain records necessary to demonstrate that the conditions of this exemption have been met, for six (6) years following the date of any transaction for which such DB QPAM relies upon the relief in the exemption; and

(i) The DB QPAMs comply with each condition of PTE 84–14, as amended, with the sole exception of the violation of Section I(g) that is attributable to the Conviction;

(j) The DB QPAMs will not employ any of the individuals that engaged in the spot/futures-linked market manipulation activities that led to the Conviction;

(k) The DB QPAMs will provide a notice of the proposed exemption and this notice of temporary exemption, along with a separate summary describing the facts that led to the Conviction as well as a statement that Deutsche Bank has made a separate exemption request, in Application No. D–11856, in connection with the potential conviction of DB Group Services UK Limited for one count of wire fraud in connection with DB Group Services UK Limited's role in manipulating LIBOR, which has been submitted to the Department, and a prominently displayed statement that the Conviction results in a failure to meet a condition in PTE 84–14 to each sponsor of an ERISA-covered plan and each beneficial owner of an IRA invested in an investment fund managed by a DB QPAM, or the sponsor of an investment fund in any case where a DB QPAM acts only as a sub-advisor to the investment fund;

(l) Deutsche Bank disgorged all of its profits generated by the spot/futures-linked market manipulation activities of DSK personnel that led to the Conviction;

(m) Deutsche Bank imposes internal procedures, controls, and protocols on DSK designed to reduce the likelihood of any recurrence of the conduct that is the subject of the Conviction, to the extent permitted by local law;

(n) DSK has not, and will not, provide fiduciary or QPAM services to ERISA-covered plans or IRAs, and will not otherwise exercise discretionary control over plan assets;

(o) No DB QPAM is a subsidiary of DSK, and DSK is not a subsidiary of any DB QPAM;

(p) The criminal conduct of DSK that is the subject of the Conviction did not directly or indirectly involve the assets of any plan subject to Part 4 of Title I of ERISA or section 4975 of the Code; and

(q) A DB QPAM will not fail to meet the terms of this exemption solely because a different DB QPAM fails to satisfy the conditions for relief under this exemption described in Sections I(d), (e), (f), (g), (h), (i), and (k).

Section II: Definitions

(a) The term ''Conviction'' means the judgment of conviction against DSK to be entered on or about September 3, 2015, in Seoul Central District Court, South Korea, relating to charges filed against DSK under Articles 176, 443, and 448 of South Korea's Financial Investment Services and Capital Markets Act for spot/futures-linked market price manipulation;

(b) The term ''DB QPAM'' means a ''qualified professional asset manager'' (as defined in section VI(a)[3] of PTE 84–14) that relies on the relief provided by PTE 84–14 and with respect to which DSK is a current or future ''affiliate'' (as defined in section VI(d) of PTE 84–14); and

(c) The term ''DSK'' means Deutsche Securities Korea Co., a South Korean ''affiliate'' of Deutsche Bank (as defined in section VI(c) of PTE 84–14).

[3] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

Signed at Washington, DC, this 1st day of September 2015.

Lyssa Hall,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2015–22034 Filed 9–3–15; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for Placement Verification and Follow-Up of Job Corps Participants, (OMB Control Number 1205–0426), Routine Extension Without Revisions

AGENCY: Employment and Training Administration (ETA), Department of 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 the proposed and continued collection of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)].

Authorized by the Workforce Investment Act (WIA) of 1998 and reauthorized by the Workforce Innovation and Opportunity Act (WIOA) of 2014, this preclearance consultation program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the extension of the current data collection regarding the Placement Verification and Follow-up of Job Corps Participants, using post-center surveys of Job Corps graduates and former enrollees (OMB Control Number 1205–0426), which expires December 31, 2015. Please note that once OMB approves this extension request, the Department will then submit to OMB a request for approval of revisions to this data collection as required by WIOA.

A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the person listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below on or before November 3, 2015.

ADDRESSES: Submit written comments to Lawrence Lyford, Office of Job Corps, Room N–4507, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3121 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 877–889–5627 (TTY/TDD). Fax: 202–693–3113. Email: *lyford.lawrence@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Job Corps is the country's largest residential training program for at-risk youth ages 16 through 24. It addresses multiple barriers to employment faced by at-risk youth throughout the United States. Through a network of 124 campuses nationwide, Job Corps offers a comprehensive array of career development services to prepare students for successful careers. Job Corps employs a holistic career development training approach which integrates the teaching of academic, career technical, employability skills and social competencies through a combination of classroom, practical, and work-based learning experiences to prepare students for stable, long-term, and high-paying jobs. In addition, Job Corps commits resources to provide job placement and career transition services to all graduates and students who have stayed with the program for more than 60 days, and to conduct placement follow-ups at 6 month and 12 months after initial placement.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for an agency to properly performs its functions, including whether the information will have practical utility;
- evaluate the agency's accuracy in estimating 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 information collection on those who are to respond—including that obtained through 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

This submission requests comments on three primary and two secondary data collection instruments that collect follow-up data about individuals who are no longer actively participating in Job Corps. These youths either graduated from Job Corps or stayed in the program at least 60 days but left before completing graduation requirements (former enrollees). These data collection activities are conducted with the following groups of recent Job Corps participants:

- Former enrollees who were placed in a job or school program; this group will be contacted 90 days after separation.
- graduates who were placed in a job or school program; this group will be contacted 90 days after initial placement;
- graduates who were placed in a job or school program; this group will be contacted 6 months after initial placement;
- graduates who were placed in a job or school program; this group will be contacted 12 months after initial placement.

The data collection instrument for graduates 90 to 120 days after their initial placement is called Interim Checkpoint for Eligibility (ICFE). Administration of the ICFE facilitates the key data collection at 6 and 12 months. In addition, two brief questionnaires (one for employers and one for schools or training institutions) are used to collect re-verification data about initial placement for the subset of placed graduates and former enrollees who cannot be contacted directly.

To maximize the comparability of the data collected from the different subgroups of students, the ICFE, the 90-day follow-up for former enrollees, and the 6-month and 12-month follow-up sections of the data collection instruments use modules with identical sets of questions on the same topics.

The questions are designed to obtain:

- Data to re-verify the initial job or school placements of placed graduates and former enrollees (only in the instruments administered at 90 days and the ICFE)
- information about employment experiences in the previous week
- information about educational experiences in the previous week
- summary information about the work, school, and job search activities of those who were neither working nor in school the previous week
- information about satisfaction with the services provided by Job Corps

Type of Review: extension without changes.

Title: Placement Verification and Follow-up of Job Corps Participants.

OMB Number: 1205–0426.

Affected Public: Individuals or households and private sector: Businesses and not-for-profit profit institutions.

Total Annual Burden Cost for Respondents: $0.

Data collection activity	Number of respondents	Frequency	Total responses	Average time per response (hours)	Burden hours
Placed Former Enrollees at 90 days	800	1	800	0.25	200
Placed graduates at 90–120 days	13,800	1	13,800	0.25	3,450
Placed Graduates at Six Months	15,500	1	15,500	0.20	3,100
Placed Graduates at 12 Months	13,200	.....	13,200	0.20	2,640
Employer/Institution Re-verification	5,000	1	5,045	0.17	850
Total	48,300	.....	48,345	.....	10,240

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–21996 Filed 9–3–15; 8:45 am]

BILLING CODE 4510–FT–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–043; NRC–2010–0215]

Draft Memorandum of Agreement Between the U.S. Nuclear Regulatory Commission, New Jersey Historic Preservation Office, Advisory Council on Historic Preservation, National Park Service, PSEG Power, LLC, and PSEG Nuclear, LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comment on a draft Memorandum of Agreement (MOA) between the NRC, New Jersey Historic Preservation Office (NJ HPO), Advisory Council on Historic Preservation (ACHP), National Park Service (NPS), and PSEG Power, LLC, and PSEG Nuclear, LLC (PSEG). The purpose of the draft MOA is to resolve adverse effects to historic properties identified during consultation for a proposed early site permit (ESP).

DATES: Submit comments by October 5, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure 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–2010–0215. 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: Allen Fetter, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–8556, email: *Allen.Fetter@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2010–0215 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2010–0215.
- *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 draft MOA is available in ADAMS under Accession ML15239B244.
- *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–2010–0215 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On May 25, 2010, PSEG submitted the ESP application via letter pursuant to Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) (ADAMS Accession No. ML101480484). The location of the proposed ESP site is adjacent to the existing Salem and Hope Creek Nuclear Generating Stations on the east bank of the Delaware River in Lower Alloways Creek Township, Salem County, New Jersey.

An ESP is a licensing option provided under the NRC's regulations in 10 CFR part 52 that allows an applicant to obtain approval for a reactor site. The approval of the ESP indicates that there are no safety or environmental issues at the proposed site that would preclude the construction of a nuclear power plant with the characteristics identified in the plant parameter envelope. Because an ESP is only a site approval and does not authorize the construction or operation of a nuclear power plant, an applicant may obtain an ESP without specifying the design of the reactor(s) that it may separately apply to build and operate at the site. The ESP application and review process makes it possible to evaluate and resolve safety and environmental issues related to siting before the applicant makes a large commitment of resources. Granting an ESP would result in no effects to historic properties; the ESP review includes an analysis of potential adverse effects from construction and operation of a postulated plant to support a site suitability determination.

Pursuant to 36 CFR 800.8, the NRC is using its National Environmental Policy Act (NEPA) process for developing the ESP environmental impact statement (EIS) to facilitate consultation pursuant to Section 106 of the NHPA (*54 U.S.C. 306108*). The U.S. Army Corps of Engineers (USACE) participated in the development of the ESP EIS as a cooperating agency, pursuant to NEPA, but is consulting separately under Section 106 of the NHPA for the activities that it regulates.

On August 22, 2014, the NRC requested comment (79 FR 49820) on its draft EIS analyzing: (1) The impacts of constructing and operating a postulated nuclear plant at the proposed ESP site that is the subject of NRC review, and (2) impacts associated with a USACE permit action on a Department of the

Army permit application to perform certain building activities on and near the ESP site.

The draft ESP EIS contained a finding of no adverse effect to historic properties for the NRC's Section 106 NHPA review. The NJ HPO concurred with this finding. By letter dated December 4, 2014, the NRC received a revised opinion letter from the NJ HPO finding that the proposed project would result in an adverse effect to historic properties (ADAMS Accession No. ML15005A040). The NJ HPO stated that the visual intrusion of two new natural draft cooling towers, which are included in the plant parameter envelope for the ESP application, would, if selected in a subsequent application to construct and operate a nuclear plant at the ESP site, result in an adverse effect to historic properties. The NRC met with the NJ HPO, PSEG representatives, and interested members of the public on January 9, 2015, in Salem County, New Jersey to discuss the NJ HPO's concerns. Between January and August 2015, the NRC met with the NJ HPO, ACHP, NPS, interested members of the public, and PSEG several times to discuss the effects from the proposed project on historic properties and to develop possible mitigation strategies for any potential effects. Between January and August 2015, the NRC conducted seven publicly noticed consultation meetings and teleconferences, pursuant to Section 106 of the NHPA.

Based on the information from these meetings and additional research, the NRC issued letters on June 24, 2015, to NJ HPO, ACHP, and NPS stating its determination that natural draft cooling towers, if selected, would result in an indirect visual adverse effect on the Abel and Mary Nicholson House National Historic Landmark (127 Fort Elfsborg-Hancock Bridge Road), the property at 349 Fort Elfsborg-Hancock Bridge Road, and the property at 116 Mason Point Road. These properties are within an area the NJ HPO has determined is an NRHP-eligible historic district. In its letter, the NRC stated its intention to develop a MOA to resolve the adverse effect to these three properties.

The draft MOA addresses the potential indirect adverse visual effect from construction and operation of natural draft cooling towers as analyzed in the ESP EIS and would conclude NHPA Section 106 consultation for the ESP. The draft MOA provides a framework for consultation at the combined license or construction permit/operating license stage.

I. Request for Public Comment

The NRC is requesting public comment on the draft MOA. The NRC does not plan to provide individual responses to comments. However, the NRC will consider any comments received when finalizing the MOA and will publish the final MOA in the **Federal Register**. The draft MOA is available in ADAMS under Accession No. ML15239B244.

Dated at Rockville, Maryland this 28th day of August, 2015.

For the Nuclear Regulatory Commission.

Francis M. Akstulewicz,

Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–21932 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–333, 50–293, and 50–271; NRC–2013–0192]

Entergy Nuclear Operations, Inc.; James A. FitzPatrick Nuclear Power Plant, Pilgrim Nuclear Power Station, and Vermont Yankee Nuclear Power Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Director's decision under 10 CFR 2.206; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision with regard to a petition dated March, 18, 2013, filed by Mr. Timothy Judson on behalf of the Alliance for a Green Economy, Citizens Awareness Network, Pilgrim Watch, and Vermont Citizens Action Network (hereafter, referred to as ''the petitioners'') requesting that the NRC take action with regard to James A. FitzPatrick Nuclear Power Plant (FitzPatrick), Pilgrim Nuclear Power Station (Pilgrim), and Vermont Yankee Nuclear Power Station (Vermont Yankee). The petitioners' requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: September 4, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0192 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–2013–0192. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Richard Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1030, email: *Richard.Guzman@nrc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision (ADAMS Accession No. ML15162A763) on a petition filed by the petitioners on March, 18, 2013 (ADAMS Accession No. ML13079A022). The petition was supplemented by letters dated April 23, May 7, June 28, July 22, October 16, November 13, November 27, and December 2, 2013, October 20, 2014, and January 27, 2015 (ADAMS Accession Nos. ML13133A161, ML13135A001, ML13184A109, ML13205A251, ML13294A400, ML13335A002, ML14016A361, ML15027A458, ML15027A462, and ML15039A011, respectively).

The petitioners requested that the NRC take enforcement action to: (1) Suspend operations at FitzPatrick and Vermont Yankee; (2) investigate whether Entergy Nuclear Operations, Inc, (ENO, the licensee) possesses sufficient funds to cease operations and decommission FitzPatrick and Vermont Yankee, per section 50.75 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Reporting and recordkeeping for decommissioning planning''; and (3) investigate ENO's current financial

qualifications per 10 CFR 50.33(f)(5) to determine whether remains qualified to continue operating Pilgrim.

As the basis of the request, the petitioners asserted that ENO no longer meets the financial qualifications requirements to possess the licenses and operate FitzPatrick, Pilgrim, and Vermont Yankee in accordance with 10 CFR 50.33(f)(2) and 10 CFR 50.80(b)(1)(i).

On May 7, 2013, the petitioners met with the NRC's Petition Review Board (PRB). The meeting provided the petitioners and the licensee an opportunity to provide additional information and to clarify issues cited in the petition. The transcript for that meeting is available in ADAMS under Accession No. ML13135A001.

By letter dated August 7, 2013 (ADAMS Accession No. ML13154A313), the NRC informed the petitioners that their request for immediate actions to suspend operations at FitzPatrick and Vermont Yankee was denied. In the same letter, the NRC also informed the petitioners of the PRB's final recommendation to accept the petition for review, because it met the criteria in Management Directive 8.11, Section III.C, ''Criteria for Reviewing Petitions Under 10 CFR 2.206.''

The NRC sent a copy of the proposed director's decision to the petitioners and the licensee for comment on March 27, 2015 (ADAMS Accession Nos. ML15040A159 and ML15040A140, respectively). The petitioners and the licensee were asked to provide comments within 30 days on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. Comments were received and are addressed in the attachments to the final director's decision.

The Director of the Office of Nuclear Reactor Regulation denied the petitioners' request for the following actions:

(1) Suspend operations at FitzPatrick and Vermont Yankee.

(2) Investigate whether ENO possesses sufficient funds to cease operations and decommission FitzPatrick and Vermont Yankee, per 10 CFR 50.75.

(3) Investigate ENO's current financial qualifications per 10 CFR 50.33(f)(5) to determine whether the licensee remains qualified to continue operating Pilgrim, be granted.

The reasons for these decisions are explained in the director's decision (DD–15–08) pursuant to 10 CFR 2.206 of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 27th day of August, 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–22049 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–390; NRC–2015–0206]

Watts Bar Nuclear Plant, Unit 1; Application and Amendment to Facility Operating License Involving Proposed No Significant Hazards Consideration Determination

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of a license amend request for the Watts Bar Nuclear Plant (WBN), Unit 1. The proposed amendment would revise a current License Condition (Section 2.F) regarding the Fire Protection Program and propose a new License Condition (Section 2.I) regarding a fire protection requirement for WBN, Unit 1. The NRC proposes to determine that this request involve no significant hazards consideration.

DATES: Comments must be filed by October 5, 2015. A request for a hearing must be filed by November 3, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0206. 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: Jeanne A. Dion, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1349; email: *Jeanne.Dion@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0206 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0206.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application for amendment, dated August 13, 2015, is available in ADAMS under Accession No. ML15225A344.

• *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–2015–0206 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. NFP–90, issued to Tennessee Valley Authority (the licensee), for operation of the Watts Bar Nuclear Plant (WBN), Unit 1 located in Spring City, Tennessee.

The proposed amendment would revise a current License Condition (Section 2.F) regarding the Fire Protection Program and propose a new License Condition (Section 2.I) regarding a fire protection requirement for WBN, Unit 1. Section 2.F is the license condition associated with fire protection and defines the basis for the NRC's approval of the Fire Protection Program that is applicable to the operation of WBN, Unit 1. The proposed amendment would update the fire protection license condition, Section 2.F, to reflect dual-unit operation and the Fire Protection Program that would be in effect should WBN, Unit 2 receive an operating license (OL). Section 2.I is a new License Condition associated with fire protection requirements to ensure the fire detection monitoring panel in the main control room (MCR) meets the designated standards or is tested and found suitable for the specified purpose.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission' regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The overall effect of the licensing of WBN Unit 2, on the safe operation of WBN Unit 1, is being assessed by the reviews the Nuclear Regulatory Commission (NRC) documents in Supplemental Safety Evaluation Reports (SSERs). This proposed change is limited in scope and will align the OLs for WBN Unit 1 and WBN Unit 2, so that the Fire Protection Program may be managed by a common document, the WBN Unit 1/Unit 2 Fire Protection Report (FPR). Because this proposed change is administrative in nature, no accident analysis conclusions made in the WBN Unit 1 UFSAR [Updated Final Safety Analysis Report] are affected. The proposed change revised the WBN Fire Hazards Analysis (FHA) but did not result in any adverse effects or any adverse effects on any component required for a fire safe shutdown.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change adds a requirement to ensure the fire detection monitoring panel in the MCR meets appropriate design standards or is tested and found suitable while not effecting any plant structures, systems, or components (SSCs). The change does not affect plant operations, any design function or an analysis that verifies the capability of an SSC to perform a design function. Because no plant equipment or method of evaluation are affected by this change, the proposed amendment does not change any of the previously evaluated accidents in the updated final safety analysis report (UFSAR).

No accident analysis conclusions made in the WBN Unit 1 UFSAR are affected. The proposed change does not revise or affect the Fire Hazards Analysis (FHA) or any component required for a fire safe shutdown.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The overall effect of the licensing of WBN Unit 2, on the safe operation of WBN Unit 1, is being assessed by the reviews the NRC documents in SSERs. This proposed change is limited in scope and does not result in any adverse effects on the FHA or any component required for a fire safe shutdown. In addition, no accident analysis conclusions made in the WBN Unit 1 UFSAR are affected. Based on this, the proposed amendment will not alter the requirements or function for systems required during accident conditions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change adds a requirement to ensure the fire detection monitoring panel in the MCR meets appropriate design standards or is tested and found suitable and does not change any design function, operation of an SSC, performance of testing or maintenance of an SSC. This proposed change is limited in scope and does not revise or affect the FHA or any component required for a fire safe shutdown. In addition, no accident analysis conclusions made in the WBN Unit 1 UFSAR are affected. Based on this, the proposed amendment will not alter the requirements or function for systems required during accident conditions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

This proposed change is associated with the implementation of WBN's Fire Protection Program for two-unit operation as approved in NRC SSERs. Because the proposed amendment is administrative in nature (updates a condition of the WBN Unit 1 OL), implementation of the amendment will not affect the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

This proposed change adds a requirement to ensure that the fire detection monitoring panel in the MCR either meets the appropriate designated standards or has been tested and found suitable for the specified purpose. Implementation of the amendment (the addition of a license condition to the WBN Unit 1 OL) will not affect the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the

expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave to Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and License Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in

accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this amendment request, see the application for amendment dated August 13, 2015, which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.*

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, Tennessee 37902.

NRC Branch Chief: Jessie F. Quichocho.

Dated at Rockville, Maryland, this 24th day of August 2015.

For the Nuclear Regulatory Commission.

Jeanne A. Dion,

Project Manager, Watts Bar Special Projects Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–21935 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0063]

Reassessment of NRC's Dollar Per Person-Rem Conversion Factor Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft NUREG–1530, ''Reassessment of NRC's Dollar Per Person-Rem Conversion Factor Policy, Revision 1.'' This proposed revision to NUREG–1530 would revise the dollar per person-rem conversion factor. The NRC uses the dollar per person-rem conversion factor in cost-benefit analyses to determine the monetary valuation of the consequences associated with radiological exposure and establishes this factor by multiplying a value of a statistical life (VSL) coefficient by a nominal risk coefficient.

DATES: Submit comments by November 3, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission 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:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0063. 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 K. 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: Alysia Bone, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1034, email: *Alysia.Bone@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0063 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0063.

• *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 draft NUREG–1530, Revision 1, ''Reassessment of NRC's Dollar per Person-Rem Conversion Factor Policy'' is available in ADAMS under Accession No. ML15237A211.

• *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–2015–0063 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

This proposed revision to NUREG–1530 would revise the dollar per person-rem conversion factor. Revision 0 to NUREG–1530 was published in December 1995 (ADAMS Accession No. ML063470485). The NRC uses the dollar per person-rem conversion factor in cost-benefit analyses to determine the monetary valuation of the consequences associated with radiological exposure and establishes this factor by multiplying a VSL factor by a nominal risk coefficient. Revision 0 to NUREG–1530 set the dollar per person-rem value at $2,000. This number resulted from the multiplication of the VSL ($3 million) by the risk coefficient for stochastic health effects (7.0×10^{-4} per person-rem).

This proposed revision to NUREG–1530 would make five main changes. First, the revision to NUREG–1530 would revise the dollar per person-rem conversion factor to $5,100 per person-rem. The value is based on an updated VSL of $9.0 million and a nominal risk coefficient factor of 5.7×10^{-4} per person-rem. The VSL estimate is derived from the average of both the U.S. Department of Transportation's (DOT) and the U.S. Environmental Protection Agency's VSL in 2014 dollars. The nominal risk coefficient value is from the International Commission on Radiological Protection Publication No. 103.[1]

Second, the NRC would also adopt low- and high-VSL estimates. The NRC would adopt a low-VSL estimate of $5.3 million and a high-VSL estimate of $13.2 million. These estimates are derived from the median of low- and high-VSL estimates from DOT, U.S. Department of Homeland Security, and Office of Management and Budget. These values will create low- and high-dollar per person-rem estimates of $3,000 and $7,500, respectively.

Third, this revision would indicate that the staff will round to two significant figures instead of simply rounding to the nearest thousand dollar value. Historically, the NRC has rounded this number to the nearest thousand dollars for the purposes of dollar per person-rem estimates. Given the large uncertainties inherent in this approach, updates would have little to no impact on this value between periodic baseline reviews.

[1] ICRP, 2007. The 2007 Recommendations of the International Commission on Radiological Protection. ICRP Publication 103. Ann. ICRP 37 (2–4).

Fourth, this revision would also establish a methodology for keeping the dollar per person-rem conversion factor up-to-date. Appendix A of the NUREG has a worksheet template that provides a format for calculating updated dollar per person-rem values. The NUREG also would provide procedures for re-baselining the dollar per person-rem conversion factor.

Finally, this revision would provide guidance to the NRC staff on when to use a higher dollar per person-rem factor in accident sequences. On a case-by-case basis, the NRC staff should use a Dose and Dose Rate Effectiveness Factor for calculating dollar per person-rem values to a portion of the affected population.

The NRC staff held a Category 3 public meeting on April 2, 2015, to discuss the update to NUREG–1530. The NRC presentation can be found in ADAMS under Accession No. ML15086A112, and the meeting summary can be found in ADAMS under Accession No. ML15098A649. In response to this meeting, the Nuclear Energy Institute submitted a letter to the NRC, which provided feedback on the proposed update. This letter and the associated attachement can be found at ADAMS Accession Nos. ML15126A489 and ML15126A498, respectively.

Dated at Rockville, Maryland, this 27th day of August, 2015.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Director, Division of Policy and Rulemaking Office of Nuclear Reactor Regulation.

[FR Doc. 2015–22050 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–1593; NRC–2015–0209]

U.S. Army Installation Command, Davy Crockett Depleted Uranium

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from the U.S. Army Installation Command (Army) to amend NRC Source Materials License No. SUC–1593 to incorporate the 15 sites listed in License Condition No. 12 into its license. The Army proposes to use a programmatic approach to license the 15 sites, which are located on multiple U.S. Army installations in the United States. In addition, the Army's license amendment application proposes to license sites located on the two U.S. Army installations that are located in Hawaii which are already licensed under Source Materials License No. SUC–1593.

DATES: A request for a hearing or petition for leave to intervene must be filed by November 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0209 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–2015–0209. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. The license amendment request is available in ADAMS under Accession No. ML15161A454.
- *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: Amy M. Snyder, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–6822; email: *Amy.Snyder@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated June 1, 2015, the Army submitted an application to amend Source Materials License No. SUC–1593 (ADAMS Accession No. ML13259A062) to the NRC (ADAMS Accession No. ML15161A454). The Army submitted this license amendment application to incorporate the 15 sites listed in License Condition No. 12 into its license. The Army proposes to use a programmatic approach to license the 15 sites, which are located on multiple U.S. Army installations in the United States. In addition, the Army's license amendment application proposes to license sites located on the two U.S. Army installations that are located in Hawaii which are already licensed under Source Materials License No. SUC–1593. The 17 U.S. Army installations with sites that possess depleted uranium from the Davy Crockett M101 Spotting Rounds, as identified in the application, are located at: Forts Benning and Gordon (Georgia); Forts Campbell and Knox (Kentucky); Fort Carson (Colorado); Fort Hood (Texas); Joint Base Lewis-McChord and the Yakima Training Center (Washington); Fort Bragg (North Carolina); Fort Polk (Louisiana); Fort Sill (Oklahoma); Fort Jackson (South Carolina); Fort Hunter Liggett (California); Fort Greeley [Donnelly Training Area, Fort Wainwright AK] (Alaska); Fort Dix (New Jersey); Fort Riley (Kansas); and the Schofield Barracks and Pohakuloa Training Area (Oahu, HI and the Island of Hawaii, HI, respectively). This license application is for possession of depleted uranium (DU) due to the potential for residual DU to be at the specified Army Installation sites where testing of Davy Crockett M101 Spotting Round has occurred. The Army's application also proposes that its proposed programmatic Radiation Safety Plan, programmatic Physical Security Plan, and programmatic Environmental Radiation Monitoring Plan apply to all 17 sites and commits to preparing site-specific Environmental Radiation Monitoring Plans in accordance with the criteria contained in its programmatic Environmental Radiation Monitoring Plan.

An NRC administrative review, documented in a letter to the U.S. Army Installation Command (ML15194A499), found that the Army's amendment application is acceptable for docketing. Before approving the license application, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report. In addition, in accordance with the guidance in NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with Nuclear Materials Safety and Safeguards Programs,'' Appendix B (August 2003), the NRC

staff has determined that the proposed action (*i.e.,* to issue a license amendment to the Army for possession of depleted uranium from spent spotting rounds from the Davy Crockett weapon at the sites specified in the Army's application) qualifies for the categorical exclusion at Section 51.22(c)(14)(xv) of Title 10 of the *Code of Federal Regulations* (10 CFR).

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located in One White Flint North, Room O1–F21 (first floor), 11555 Rockville Pike, Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition. The Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth, with particularity, the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) the name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists concerning a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by November 3, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by November 3, 2015.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal

server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 25th day of August 2015.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–21933 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[EA–15–006; NRC–2015–0201]

In the Matter of BWXT Nuclear Operations Group, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a confirmatory order to BWXT Nuclear Operations Group, Inc. (BWXT NOG), confirming a modification to the license issued on August 10, 2015. In issuing the Order, BWXT NOG must comply with the measures detailed in Section IV of the Order. This Order is effective 20 days after the date it is issued.

DATES: The confirmatory order was signed August 10, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0201 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0201. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463;

email: *Carol.Gallagher@nrc.gov.* For questions about this Order, 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 access 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 that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Merritt Baker, telephone: 301–415–7119, email *Merritt.Baker@nrc.gov,* Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 27th day of August, 2015.

For the Nuclear Regulatory Commission.

Craig Erlanger,

Deputy Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review Office of Nuclear Material Safety and Safeguards.

Attachment—CONFIRMATORY ORDER

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of BWXT Nuclear operations Group, Inc.;

Lynchburg, Virginia

[Docket No. 70–27; License No. SNM–42]

EA–2015–006

Confirmatory Order

I.

BWXT Nuclear Operations Group, Inc. (BWXT NOG or the licensee) is the operator of the BWXT Nuclear Operations Group-Lynchburg facility (BWXT NOG or the facility), and holder of License No. SNM–42 and Docket No.70–27 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) under Title 10, ''Energy,'' of the *Code of Federal Regulations* (10 CFR) Part 70, ''Domestic Licensing of Special Nuclear Material.'' The license authorizes the operation of the facility with the conditions specified therein. The facility is located on the licensee's site in Campbell County, Virginia.

II.

By application dated April 24, 2014, as supplemented by letters dated December 16, 2013, and July 25, 2014, BWXT NOG requested preemption authority, pursuant to Commission Order EA–13–092, under the provisions of Section 161A of the Atomic Energy Act of 1954, as amended. Section 161A confers on the Commission the authority to permit a licensee's security personnel to transfer, receive, possess, transport, import, and use certain firearms, ammunition or devices, notwithstanding local, State, and certain Federal firearms laws, including regulations, that may prohibit such conduct.

Upon review of the BWXT NOG application for Commission authorization to use Section 161A at BWXT NOG–L, the NRC staff has found the following:

(1) The BWXT NOG application complies with the standards and requirements of Section 161A and the Commission's rules and regulations set forth in 10 CFR part 73, ''Physical Protection of Plants and Materials'';

(2) There is reasonable assurance that the facility will operate in conformance with the application; the provisions of the Atomic Energy Act of 1954, as amended; and the rules and regulations of the Commission;

(3) There is reasonable assurance that the activities permitted by the Commission authorization to use Section 161A preemption authority is consistent with the protection of public health and safety, and that such activities will be conducted in compliance with the Commission's regulations and the requirements of this Confirmatory Order;

(4) The issuance of Commission authorization to use Section 161A preemption authority will not be inimical to the common defense and security or to the health and safety of the public; and

(5) The issuance of this Commission authorization to use Section 161A preemption authority will be in accordance with the Commission's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''

The findings, set forth above, are supported by an NRC staff technical evaluation under Accession Number ML15044A450.

III.

To carry out the statutory authority discussed above, the Commission has determined that the license for BWXT NOG–L must be modified to include provisions with respect to the Commission authorization to use Section 161A preemption authority as identified in Section II of this Confirmatory Order. The requirements needed to exercise the foregoing are set forth in Section IV below.

The NRC staff has found that the license modifications set forth in Section IV are acceptable and necessary. It further concluded that, with the effective implementation of these provisions, the licensee's physical protection program will meet the specific physical protection program requirements set forth in 10 CFR 73.45, ''Performance Capabilities for Fixed Site Physical Protection Systems''; in 10 CFR 73.46, ''Fixed Site Physical Protection Systems, Subsystems, Components, and Procedures'' (for facilities handling Category I special nuclear material).

On January 29, 2015, BWXT NOG consented to the issuance of this Order. The licensee further agreed that this Order will be effective 20 days after the date of issuance and that it has waived its right to a hearing on this Order.

IV

Accordingly, under Sections 53, 103 and/or 104b, 161b, 161i, 161o, 161A, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, ''Orders'' and 10 CFR part 70, IT IS HEREBY ORDERED that:

1. The BWXT NOG application for Commission authorization to use Section 161A preemption authority at B&W NOG is approved. This authorization does not grant B&W NOG authority to use enhanced weapons.

2. In accordance with 10 CFR part 73, the licensee shall review and revise its NRC-approved security plans or procedures, as necessary, to describe how the requirements of this Confirmatory Order will be met.

3. The licensee shall establish and maintain a program consistent with Commission Order EA–13–092 such that all security personnel who require access to firearms in the discharge of their official duties are subject to a firearms background check.

The Commission is engaged in an ongoing rulemaking to implement the Commission's authority under Section

161A. On the effective date of that final rulemaking, the Commission may take action to relax or rescind any or all of the requirements set forth in this Confirmatory Order.

The Director, Office of Nuclear Material Safety and Safeguards may, in writing, relax or rescind this Confirmatory Order upon demonstration by the licensee of good cause.

This Confirmatory Order is effective 20 days after the date of its issuance.

For further details with respect to this Confirmatory Order, see the staff's technical evaluation dated January 29, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15044A450), which is available for public inspection, at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *pdr.resource@nrc.gov.*

In accordance with 10 CFR 2.202, any other person adversely affected by this Order may submit an answer to this Order within 20 days of its publication in the **Federal Register.** In addition, any other person adversely affected by this Order may request a hearing on this Order within 20 days of its publication in the **Federal Register.** Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (published at 72 FR 49139 on August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or (in some cases) to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, the participant should contact the Office of the Secretary (at least 10 days before the filing deadline) by email to *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to: (1) request a digital ID certificate, which allows the participants (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, web-based submission form. In order to serve documents through the Electronic Information Exchange, users will be required to install a web browser plug-in from the NRC Web site. Further information on the web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (pdf) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for, and receive, a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking

and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket, which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR paragraphs 2.309(d) and (f).

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland this 10th day of August, 2015.

For the Nuclear Regulatory Commission.

Catherine Haney, Director,

Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–21937 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339; NRC–2012–0258; License Nos.: NPF–4 and NPF–7]

North Anna Power Station, Units 1 and 2; Virginia Electric and Power Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Director's Decision under 10 CFR 2.206; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is giving notice that the Director of the Office of Nuclear Reactor Regulation has issued a final Director's Decision with regard to a petition dated October 20, 2011, filed by Paul Gunter et al, herein referred to as ''the petitioners.''

DATES: September 4, 2015.

ADDRESSES: Please refer to Docket ID NRC–2012–0258 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–2012–0258. 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 access publicly available documents online in the NRC Library 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 (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: V. Sreenivas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2597; email: *V.Sreenivas@nrc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Director of the Office of Nuclear Reactor Regulation has issued a Director's Decision with regard to a petition dated October 20, 2011 (ADAMS Accession No. ML11293A116), filed by the petitioners. The petition was supplemented on November 2, 2011 (ADAMS Accession No. ML11308A027) and December 15, 2011 (ADAMS Accession No. ML12060A197). The petition concerns the operation of the North Anna Power Station, Units 1 and 2 (North Anna 1 and 2), by the Virginia Electric and Power Company (VEPCO or the licensee). The petition requested that the NRC suspend the operating licenses for North Anna 1 and 2, until the completion of a set of activities described in the petition. The petitioner also requested that a public meeting be held to discuss this matter in the Washington, DC area.

As the basis for the October 20, 2011, request, the petitioner raised several concerns, of which 12 were accepted for review by the NRC staff by letter dated March 16, 2012 (ADAMS Accession No. ML12060A090). These summarized as follows:

(1) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, Virginia Electric and Power Company (the licensee) should be required to obtain a license amendment from the NRC that reanalyzes and reevaluates the plant's design basis for earthquakes and for associated necessary retrofits.

(2) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, the licensee should be required to ensure that North Anna 1 and 2, are subjected to thorough inspections of the same level and rigor.

(3) The licensee should be required to reanalyze and reevaluate the North Anna Independent Spent Fuel Storage Installation (lSFSI) due to damage caused by the earthquake of August 23, 2011, and ensure that no threat is posed to public health and safety by its operation.

(4) The licensee should ensure the reliability and accuracy of the seismic instrumentation at North Anna 1 and 2.

(5) The NRC staff made hasty decisions about the restart of North Anna 1 and 2, and gave priority to economic considerations. The long-term action plan was not even complete before the NRC staff gave authorization to restart.

(6) Regulatory commitments are an inadequate regulatory tool for ensuring that the critical long-term tasks identified in the NRC staff's

confirmatory action letter dated November 11, 2011, are completed.

(7) The licensee needs to address the possibility of both boildown and rapid draindown events at the North Anna 1 and 2, spent fuel pool.

(8) The long-term storage of spent fuel in the spent fuel pool at North Anna 1 and 2, and at the North Anna ISFSI poses challenges to the public health and safety.

(9) ''Hardened on-site storage'' strategies for spent fuel should be used at North Anna 1 and 2.

(10) Concerns exist about the response of North Anna 1 and 2, to a prolonged station blackout.

(11) The current emergency evacuation plans for North Anna 1 and 2, need to be revised to reflect the possible need to evacuate a larger area than that identified in the current emergency planning zone.

(12) Concerns exist about damage to the structural integrity of the spent fuel pool structure at North Anna 1 and 2, as represented on pages 41 and 42 of the NRC staff's technical evaluation for the restart of North Anna 1 and 2, dated November 11, 2011.

On December 12, 2012 and February 2, 2012, the petitioners and the licensee met with the NRC staff's petition review board (meeting transcripts under ADAMS Accession Nos. ML12033A025 and ML12047A240), regarding the petition. These meetings gave the petitioner and the licensee an opportunity to provide additional information and to clarify issues raised in the petition.

The NRC staff issued a partial DD on October 19, 2012 (ADAMS Accession No. ML12262A156). Twelve of the concerns were accepted for review by the NRC staff. As detailed in the partial DD, eight of these concerns were closed. The remaining four concerns accepted for review were identified as those that may take longer than the target timeframe for reaching a decision on a petition based on the fact they were undergoing NRC review as part of the agency's response to the Fukushima event in Japan.

Regarding the four remaining concerns, the NRC staff sent a copy of the proposed DD to the Petitioners and to the licensee for comment on April 17, 2015 (ADAMS Accession Nos. ML14311A616 and ML15061A133, respectively). The Petitioners provided comments in a response dated May 18, 2015 (ADAMS Accession No. ML15138A277) and the licensee provided comments in a response dated May 20, 2015 (ADAMS Accession No. ML15147A517). The comments and the NRC staff's response to them are included with this director's decision.

The Director of the Office of Nuclear Reactor Regulation has determined that the request to suspend the operating licenses for North Anna 1 and 2, until the completion of a set of activities described in the petition, be partially granted and partially denied. The reasons for this decision are explained in the director's decision DD–15–09 pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided for by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 21st day of August, 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–22048 Filed 9–3–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31800]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

August 28, 2015.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of August 2015. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 22, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Chief Counsel's Office at (202) 551–6821, SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE., Washington, DC 20549–8010.

Cornerstone Progressive Return Fund [File No. 811–22066]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Cornerstone Strategic Value Fund, Inc., and on June 26, 2015, made a distribution to its shareholders based on net asset value. Expenses of $335,585 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

Filing Dates: The application was filed on June 30, 2015, and amended on July 30, 2015.

Applicant's Address: 48 Wall St., 22nd Floor, New York, NY 10005.

db-X Exchange-Traded Funds Inc. [File No. 811–22001]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 27, 2015, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $35,000 incurred in connection with the liquidation were paid by DBX Strategic Advisors LLC, applicant's investment adviser.

Filing Date: The application was filed on July 31, 2015.

Applicant's Address: 60 Wall St., New York, NY 10005.

Principled Equity Market Fund [File No. 811–8492]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On August 5, 2015, applicant made a final liquidating distribution to its shareholders, based on net asset value. Two shareholders of record have not received their liquidating distributions because applicant has been unable to locate

them. Applicant's custodian is holding an aggregate amount of $10,854, which will escheat to the state of last residence of each shareholder if their distributions remain unclaimed. Expenses of $110,800 incurred in connection with the liquidation were paid by applicant. Applicant has also retained $128,566 in cash to cover outstanding liabilities.

Filing Date: The application was filed on August 14, 2015.

Applicant's Address: 20 William Street, Wellesley, MA 02481.

Oppenheimer Institutional Treasury Money Market Fund [File No. 811–22261]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on August 19, 2015.

Applicant's Address: 6803 S. Tucson Way, Centennial, CO 80112.

Torchlight Value Fund Master, LLC [File No. 811–21122]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company.

Applicant represents that it currently has fewer than 100 beneficial owners of its securities and will continue to operate as a private fund in reliance on section 3(c)(1) of the Act. Applicant states that it is not making, has never made and does not intend to make a public offering of its securities. Applicant further represents that it has notified its beneficial owners that certain legal protections offered to shareholders of an investment company registered under the Act will no longer apply.

Filing Date: The application was filed on August 11, 2015.

Applicant's Address: 475 Fifth Ave., New York, NY 10017.

Torchlight Value Fund, Inc. [File No. 811–8920]

Summary: Applicant, a feeder fund in a master feeder structure, seeks an order declaring that it has ceased to be an investment company. On July 31, 2015, applicant made a distribution to its shareholders, based on net asset value. Expenses of $468,712 incurred in connection with the liquidation were paid by Torchlight Investors, LLC, applicant's investment adviser.

Filing Date: The application was filed on August 11, 2015.

Applicant's Address: 475 Fifth Ave., New York, NY 10017.

Sterling Capital Variable Insurance Funds [File No. 811–21682]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 24, 2015, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $20,000 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on July 31, 2015.

Applicant's Address: 435 Fayetteville St., Raleigh, NC 27601.

Cube Thematic Alternatives Fund [File No. 811–23006]

Summary: Applicant, closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on July 29, 2015.

Applicant's Address: 180 Great Portland St., London W1W 5QZ.

Nuveen Equity Premium Opportunity Fund [File No. 811–21674]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Nuveen S&P 500 BuyWrite Income Fund, and on December 22, 2014, made a distribution to its shareholders based on net asset value. Expenses of $867,895 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

Filing Dates: The application was filed on June 26, 2015, and amended on August 7, 2015.

Applicant's Address: Nuveen Investments, 333 West Wacker Dr., Chicago, IL 60606.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21955 Filed 9–3–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31801; 812–14484]

The Glenmede Portfolios and Glenmede Investment Management LP; Notice of Application

August 31, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: The Glenmede Portfolios (the ''Trust'') and Glenmede Investment Management LP (''GIM'').

SUMMARY OF APPLICATION: Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

FILING DATE: The application was filed on June 11, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 25, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts

bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: GIM and the Trust, 100 Huntington Avenue, CPH–0326, Boston, MA 02116.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990 or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust, a Massachusetts business trust, is registered with the Commission as an open-end management investment company. Applicants are seeking an order (''Order'') to permit the Trust, which is organized as a series fund, to operate a series with an actively managed investment portfolio (the ''Initial Fund''). Applicants currently expect the Initial Fund to be the Strategic Growth Equity ETF. The Initial Fund seeks to provide maximum long-term total return consistent with reasonable risk to principal. To achieve its investment objective, under normal market conditions, the Initial Fund will generally invest at least 80% of the value of its net assets (including borrowings for investment purposes) in equity securities, such as common stocks, preferred stocks and securities convertible into common and preferred stocks of U.S. companies.

2. GIM, a Pennsylvania limited partnership, is registered with the Commission as an investment adviser under the Investment Adviser Act of 1940 (''Advisers Act''), and will be the investment adviser to the Initial Fund. The Advisor (as defined below) may enter into sub-advisory agreements with investment advisers to act as sub-advisers with respect to the Funds (as defined below) (each, a ''Sub-Advisor''). Applicants state that any Sub-Advisor will be registered, or not subject to registration, under the Advisers Act. A registered broker-dealer (''Broker'') under the Securities Exchange Act of 1934 (the ''Exchange Act'') will be selected and approved by the Board (as defined below) to act as the distributor and principal underwriter of the Funds (the ''Distributor'').

3. Applicants request that the Order apply to the Initial Fund and any future series of the Trust or of any other open-end management companies that may utilize active management investment strategies (collectively, ''Future Funds''). Any Future Fund will (a) be advised by GIM or an entity controlling, controlled by, or under common control with GIM (GIM and each such other entity and any successor thereto included in the term ''Advisor''),[1] and (b) comply with the terms and conditions of the application.[2] The Initial Fund and Future Funds together are the ''Funds''.[3] Each Fund will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies traded in the U.S. and/or non-U.S. markets, and derivatives, other assets, and other investment positions (''Portfolio Instruments'').[4] The Funds may invest in ''Depositary Receipts''.[5] Each Fund will operate as an actively managed exchange-traded fund (''ETF'').

4. Applicants request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund that is currently or subsequently part of the same ''group of investment companies'' as the Initial Fund within the meaning of section 12(d)(1)(G)(ii) of the Act; (ii) any principal underwriter for the Fund; (iii) any Brokers selling Shares of a Fund to an Investing Fund (as defined below); and (iv) each management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Funds, and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, ''Investing Management Companies,'' such unit investment trusts, ''Investing Trusts,'' and Investing Management Companies and Investing Trusts together, ''Investing Funds''). Investing Funds do not include the Funds.[6]

5. Applicants anticipate that a Creation Unit will consist of at least 25,000 Shares. Applicants anticipate that the trading price of a Share will range from $10 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into a participant agreement with the Distributor and the transfer agent of the Fund (''Authorized Participant'') with respect to the creation and redemption of Creation Units. An Authorized Participant is either: (a) A Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC''), or (b) a participant in the DTC (''DTC Participant'').

6. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[7] On any given Business

[1] For the purposes of the requested Order, a ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Advisor to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the Order are named as applicants. Any other entity that relies on the Order in the future will comply with the terms and conditions of the application.

[3] Applicants further request that the Order apply to any future Distributor of the Funds, which would be a Broker and would comply with the terms and conditions of the application. The Distributor of any Fund may be an affiliated person of the Advisor and/or Sub-Advisors.

[4] If a Fund invests in derivatives, then (a) the board of trustees (''Board'') of the Fund will periodically review and approve the Fund's use of derivatives and how the Advisor assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[5] Depositary Receipts are typically issued by a financial institution, a ''depositary'', and evidence ownership in a security or pool of securities that have been deposited with the depositary. A Fund will not invest in any Depositary Receipts that the Advisor or Sub-Advisor deems to be illiquid or for which pricing information is not readily available. No affiliated persons of the applicants, any Future Fund, any Advisor or any Sub-Advisor will serve as the depositary bank for any Depositary Receipts held by a Fund.

[6] An Investing Fund may rely on the Order only to invest in Funds and not in any other registered investment company.

[7] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act'').

Day [8], the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[9] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [10] or (c) TBA Transactions,[11] short positions and other positions that cannot be transferred in kind [12] will be excluded from the Creation Basket.[13] If there is a difference between NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

7. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Funds holding non-U.S. investments (''Global Funds''), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

8. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (''Stock Exchange''), on which Shares are listed, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day through the facilities of the Consolidated Tape Association an amount representing, on a per Share basis, the sum of the current value of the Portfolio Instruments that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

9. A Fund may recoup the settlement costs charged by NSCC and DTC by imposing a transaction fee on investors purchasing or redeeming Creation Units (the ''Transaction Fee''). The Transaction Fee will be borne only by purchasers and redeemers of Creation Units and will be limited to amounts that have been determined appropriate by the Advisor to defray the transaction expenses that will be incurred by a Fund when an investor purchases or redeems Creation Units.[15] All orders to purchase Creation Units must be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus (''Prospectus'') to those persons purchasing Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

10. Shares will be listed and traded at negotiated prices on a Stock Exchange and traded in the secondary market. Applicants expect that the Stock Exchange will select, or appoint one or more specialists or market makers (collectively, ''Exchange Market Makers'') for the Shares of each Fund.[16] The price of Shares trading on the Stock Exchange will be based on a current bid/offer in the secondary market. Transactions involving the purchases and sales of Shares on the Stock Exchange will be subject to customary brokerage commissions and charges.

11. Applicants expect that purchasers of Creation Units will include arbitrageurs, and that Exchange Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities. Applicants

In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[8] The Trust will sell and redeem Creation Units of each Fund only on a Business Day. ''Business Day'' is defined to include any day that the Trust is open for business as required by section 22(e) of the Act.

[9] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[10] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[11] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[12] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Cash Amount (defined below).

[14] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, the Transaction Fee will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

[16] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Exchange Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Exchange Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Exchange Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Exchange Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Exchange Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

expect that secondary market purchasers of Shares will include both institutional and retail investors.[17] Applicants expect that arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV per Share should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

12. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such Shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant.

13. Neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund''. Instead, each Fund will be marketed as an ''actively managed exchange-traded fund''. In all advertising material where the features or method of obtaining, buying or selling Shares traded on the Stock Exchange are described, there will be an appropriate statement to the effect that Shares are not individually redeemable.

14. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include a Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments held by the Fund (including any short positions held in securities) that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[18]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 2(a)(32) and 5(a)(1) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust to redeem Shares in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units from each Fund. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage

[17] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

[18] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (''T+1''). Accordingly, each Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for its NAV calculation at the end of such Business Day.

activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that settlement of redemptions of Creation Units of Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Instruments to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Instruments of each Global Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[19]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of 14 calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants state each Global Fund's statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days needed to deliver the proceeds for each affected Global Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not affect redemptions in-kind.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address any concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company (''Investing Fund Advisor''), sponsor of an Investing Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company (''Investing Fund Sub-Advisor''), any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Sub-Advisor or any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor (''Investing Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate[20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''independent directors or trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. Applicants also state that any sales charges and/or service fees charged with

[19] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that it may otherwise have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

[20] An ''Investing Fund Affiliate'' is any Investing Fund Advisor, Investing Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Investing Fund is aware of the terms and conditions of the requested Order, the Investing Funds must enter into an agreement with the respective Funds (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Investing Fund that it may rely on the Order only to invest in a Fund and not in any other investment company.

Sections 17(a)(1) and (2) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Advisor and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Advisor (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[22] Applicants also request an exemption in order to permit a Fund to sell its Shares to and redeem its Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, certain Investing Funds of which the Funds are affiliated persons or second-tier affiliates.[23]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Absent the unusual circumstances discussed in the application, the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Instruments. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the relevant Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner and on the same terms for all, regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[24] The FOF Participation Agreement will require any Investing Fund that purchases Creation Units directly from a Fund to represent that the purchase of Creation Units from a Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

Applicants' Conditions

Applicants agree that any Order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. As long as a Fund operates in reliance on the requested Order, the Shares of the Fund will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

[21] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

[22] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

[23] Applicants expect most Investing Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Investing Fund and redemptions of those Shares. The requested relief is intended to also cover the in-kind transactions that may accompany such sales and redemptions.

[24] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of the Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Advisor or any Sub-Advisor, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

B. Section 12(d)(1) Relief

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Sub-Advisory Group with respect to a Fund for which the Investing Fund Sub-Advisor or a person controlling, controlled by or under common control with the Investing Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to ensure that the Investing Fund Advisor and any Investing Fund Sub-Advisor are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of a Fund, including a majority of the independent directors or trustees, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Investing Fund Advisor, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b-1 under the Act) received from a Fund by the Investing Fund Advisor, or Trustee or Sponsor, or an affiliated person of the Investing Fund Advisor, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Advisor, or Trustee, or Sponsor, or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Sub-Advisor will waive fees otherwise payable to the Investing Fund Sub-Advisor, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Investing Fund Sub-Advisor, or an affiliated person of the Investing Fund Sub-Advisor, other than any advisory fees paid to the Investing Fund Sub-Advisor or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Investing Fund Sub-Advisor. In the event that the Investing Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the

information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisers, or Trustee and Sponsor, as applicable, understand the terms and conditions of the Order, and agree to fulfill their responsibilities under the Order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the Order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the independent directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund relying on the section 12(d)(1) relief will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21954 Filed 9–3–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75793; File No. SR–NYSE–2015–37]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List To Raise the NYSE Crossing Session II Fee Cap

August 31, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 21, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to raise the NYSE Crossing Session II (''NYSE CSII'') fee cap. The Exchange proposes to implement the fee change effective September 1, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to raise the NYSE CSII fee cap.

Currently, the Exchange charges a fee of $0.0004 per share for executions in CSII.[4] Fees for executions in CSII are capped at $100,000 per month per member organization.

The Exchange proposes to increase the monthly fee cap from $100,000 to $200,000. The $0.0004 per share fee for executions in CSII would remain unchanged.

The proposed change is not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations 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,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed increase in the monthly fee cap for CSII transactions is reasonable and an equitable allocation of fees because all similarly situated member organizations will be subject to the same fee structure and access to the Exchange's market is offered on fair and non-discriminatory terms. The Exchange also believes that maintaining a cap for member organizations that are particularly active during NYSE CSII is reasonable, equitable and not unfairly discriminatory. The Exchange notes that the last time this cap was changed was in 2012.[7]

The Exchange believes that it is subject to significant competitive forces,

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] CSII runs on the Exchange from 4:00 p.m. to 6:30 p.m. Eastern Time and handles member organization crosses of baskets of securities of aggregate-priced buy and sell orders. *See* NYSE Rules 900–907.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See* Securities Exchange Act Release No. 66600 (March 14, 2012), 77 FR 16298 (March 20, 2012) (SR–NYSE–2012–07).

as described below in the Exchange's statement regarding the burden on competition.

For the foregoing 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,[8] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the increase in the fee cap for member organizations that are particularly active in CS II would not burden competition because it would apply to all member organizations.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[9] of the Act and subparagraph (f)(2) of Rule 19b–4[10] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2015–37 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–NYSE–2015–37. 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–NYSE–2015–37, and should be submitted on or before September 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21957 Filed 9–3–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75792; File No. SR–ISE–2015–26]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adopting a Principles-Based Approach To Prohibit the Misuse of Material, Non-Public Information by Market Makers by Deleting Rule 810

August 31, 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 August 28, 2015, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE proposes to adopt a principles-based approach to prohibit the misuse of material, non-public information by market makers by deleting Rule 810. The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 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

(a) Purpose—

The Exchange proposes to adopt a principles-based approach to prohibit the misuse of material, non-public information by market makers by deleting Rule 810. In so doing, the Exchange would harmonize its rules amongst its Members [3] relating to protecting against the misuse of material, non-public information. The Exchange believes that Rule 810 is no longer necessary because all Members, including market makers, are subject to the Exchange's general principles-based requirements governing the protection against the misuse of material, non-public information, pursuant to Exchange Rules, Chapter 4—Business Conduct, Rule 408 (Prevention of the Misuse of Material Nonpublic Information), section (a) (''Rule 408(a)''), which obviates the need for separately-prescribed requirements for a subset of market participants on the Exchange.

Background

The Exchange has two classes of registered market makers. Pursuant to Rule 800, a market maker is a Member with Designated Trading Representatives that is registered with the Exchange for the purpose of making transactions as a dealer-specialist. As the rule further provides, a market maker can be either a CMM or a PMM. All market makers are subject to the requirements of Rules 803 and 804, which set forth the obligations of market makers, particularly relating to quoting.

Rule 803 specifies the obligations of market makers, which include making markets that, absent changed market conditions, will be honored for the number of contracts entered into the Exchange's System in all series of options classes to which the market maker is appointed. The quoting obligations of market makers are set forth in Rule 804. That rule sets forth the main difference between PMMs and CMMs, namely that PMMs have a heightened quoting obligation as compared to CMMs.[4] In addition to a heightened quoting obligation pursuant to Rule 804, an Electronic Access Member may designate a Preferred Market Maker [5] on orders it enters into the System (''Preferenced Orders''). These Preferred Market Makers, quoting at the NBBO at the time the Preferenced Order is received, are eligible to receive a greater allocation of participation rights.[6]

Importantly, all market makers have access to the same information in the order book that is available to all other market participants. Moreover, none of the Exchange's market makers have agency obligations to the Exchange's order book. As such, the distinctions between PMMs and CMMs are the quoting requirements set forth in Rule 804.

Notwithstanding that market makers have access to the same Exchange trading information as all other market participants on the Exchange, the Exchange has specific rules governing how market makers may operate. Rule 810 allows market makers to engage in Other Business Activities [7] and to be affiliated with a broker-dealer that engages in Other Business Activities *only if* there is an Information Barrier between the marking making activities and the Other Business Activities. The Rule further provides that market makers must implement detailed Exchange-approved procedures to restrict the flow of material, non-public information. Rule 810(b) outlines the organizational structure of the Information Barrier, which a market maker must implement to meet the requirements of Rule 810(a). The Information Barrier is meant to ensure that a market maker will not have access to material, non-public information while engaging in Other Business Activities and that a market maker will not misuse material, non-public information obtained from an affiliated broker-dealer engaged in the Other Business Activities.

Proposed Rule Change

The Exchange believes that the guidelines in Rule 810, for market makers, are no longer necessary and proposes to delete it. Rather, the Exchange believes that Rule 408(a) governing the misuse of material, non-public information provides for an appropriate, principles-based approach to prevent the market abuses Rule 810 is designed to address. Specifically Rule 408(a) requires every Exchange Member to establish, maintain and enforce written policies and procedures reasonably designed, taking into consideration the nature of the Member's business, to prevent the misuse of material, non-public information by such Member or associated person. For purposes of this requirement, the misuse of material, non-public information includes, but is not limited to, the following:

(a) Trading in any securities issued by a corporation, partnership, or Funds, as defined in Rule 502(h), or a trust or similar entities, or in any related securities or related options or other derivative securities, or in any related non-U.S. currency, non-U.S. currency options, futures or options on futures on such currency, or any other derivatives based on such currency, or in any related commodity, related commodity futures or options on commodity futures or any other related commodity derivatives, while in possession of material nonpublic information concerning that corporation or those Funds or that trust or similar entities;

(b) trading in an underlying security or related options or other derivative

[3] The term ''Member'' means an organization that has been approved to exercise trading rights associated with Exchange Rights. *See* Rule 100(a)(23).

[4] Compare Rule 804(e)(1) (''Primary Market Makers. Primary Market Makers must enter continuous quotations and enter into any resulting transactions in all of the series listed on the Exchange of the options classes to which it is appointed on a daily basis.'') *with* 804(e)(2) (''Competitive Market Makers. (i) On any given day, a Competitive Market Maker is not required to enter quotations in the options classes to which it is appointed. (ii) A Competitive Market Maker may initiate quoting in options classes to which it is appointed intraday. (iii) Whenever a Competitive Market Maker enters a quote in an options class to which it is appointed, it must maintain continuous quotations in that class for 60% of the time the class is open for trading on the Exchange; provided, however, that a Competitive Market Maker shall be required to maintain continuous quotations for 90% of the time the class is open for trading on the Exchange in any options class in which it receives Preferenced Orders . . . .'').

[5] A Preferred Market Maker may be the PMM appointed to the options class or any CMM appointed to the options class.

[6] .03 of Supplementary Material to Rule 713.

[7] Other Business Activities means ''(1) conducting an investment or banking or public securities business; (2) making markets in the stocks underlying the options in which it makes markets; or (3) handling listed options orders as agent on behalf of Public Customers or broker-dealers; (4) conducting non-market making proprietary listed options trading activities.''

securities, or in any related non-U.S. currency, non-U.S. currency options, futures or options on futures on such currency, or in any related commodity, related commodity futures or options on commodity futures or any other related commodity derivatives, or any other derivatives based on such currency while in possession of material nonpublic information concerning imminent transactions in the above; and

(c) disclosing to another person any material nonpublic information involving a corporation, partnership, or Funds or a trust or similar entities whose shares are publicly traded or an imminent transaction in an underlying security or related securities or in the underlying non-U.S. currency or any related non-U.S. currency options, futures or options on futures on such currency, or in any related commodity, related commodity futures or options on commodity futures or any other related commodity derivatives, or any other derivatives based on such currency for the purpose of facilitating the possible misuse of such material nonpublic information.

Because market makers are already subject to the requirements of Rule 408(a) and because market makers do not have any trading or information advantage over other Members, the Exchange does not believe that it is necessary to separately require specific limitations on dealings between market makers and their affiliates. Deleting Rule 810 would provide market makers and Members with the flexibility to adapt their policies and procedures as reasonably designed to reflect changes to their business model, business activities, or the securities market in a manner similar to how Members on the Exchange currently operate and consistent with Rule 408(a). However, the Exchange notes that deleting Rule 810 does not obviate the need for reasonably designed information barriers in certain situations.

As noted above, PMMs and CMMs are distinguished under Exchange rules only to the extent that PMMs have heightened obligations and allocation guarantees. However, none of these heightened obligations provides different or greater access to non-public information than any other market participant on the Exchange.[8] Specifically, market makers on the Exchange do not have access to trading information provided by the Exchange, either at, or prior to, the point of execution, that is not made available to all other market participants on the Exchange in a similar manner. Further, as noted above, market makers on the Exchange do not have any agency responsibilities for orders on the order book. Accordingly, because market makers do not have any trading advantages at the Exchange due to their market role, the Exchange believes that they should be subject to the same rules as Members regarding the protection against the misuse of material, non-public information, which in this case, is existing Rule 408(a).

The Exchange notes that even with this proposed rule change, pursuant to Rule 408(a), a market maker would still be obligated to ensure that its policies and procedures reflect the current state of its business and continue to be reasonably designed to achieve compliance with applicable federal securities law and regulations, and with applicable Exchange rules, including being reasonably designed to protect against the misuse of material, non-public information. While information barriers would not specifically be required under the proposal, Rule 408(a) already requires that a Member consider its business model or business activities in structuring its policies and procedures, which may dictate that an information barrier or a functional separation be part of the set of policies and procedures that would be reasonably designed to achieve compliance with applicable securities law and regulations, and with applicable Exchange rules.

The Exchange is not proposing to change what is considered to be material, non-public information and, thus does not expect there to be any changes to the types of information that an affiliated brokerage business of a market maker could share with such market maker. In that regard, the proposed rule change will not permit the EAM unit of a member to have access to any non-public order or quote information of the affiliated market maker, including hidden or undisplayed size or price information of such orders and quotes. Market makers are not allowed to post hidden or undisplayed orders and quotes on the Exchange. Members do not expect to receive any additional order or quote information as a result of this proposed rule change.

Further, the Exchange does not believe that there will be any material change to member information barriers as a result of removal of the Exchange's pre-approval requirements. In fact, the Exchange anticipates that eliminating the pre-approval requirement should facilitate implementation of changes to member information barriers as necessary to protect against the misuse of material, non-public information. The Exchange also suggests that the pre-approval requirement is unnecessary because market makers do not have agency responsibilities to the book, or time and place information advantages because of their market role. However, as is the case today with market makers, information barriers of new entrants would be subject to review as part of a new firm application. Moreover, the policies and procedures of market makers, including those relating to information barriers, would be subject to review by FINRA, on behalf of the Exchange, pursuant to a Regulatory Services Agreement.

The Exchange further notes that under Rule 408(a), a Member would be able to structure its firm to provide for its options market makers, as applicable, to be structured with its equities and customer-facing businesses, provided that any such structuring would be done in a manner reasonably designed to protect against the misuse of material, non-public information. For example, pursuant to Rule 408(a) a market maker on the Exchange could be in the same independent trading unit, as defined in Rule 200(f) of Regulation SHO,[9] as an equities market maker and other trading desks within the firm, including options trading desks, so that the firm could share post-trade information to better manage its risk across related securities. The Exchange believes it is appropriate and consistent with Rule 408(a) and Section 15(g) of the Act [10] for a firm to share options position and related hedging position information (*e.g.,* equities, futures, and foreign currency) within a firm to better manage risk on a firm-wide basis. The Exchange notes, however, that if so structured, a firm would need to have policies and procedures, including information barriers as applicable, reasonably designed to protect against the misuse of material, non-public information, and specifically customer information, consistent with Rule 408(a).

The Exchange believes that the proposed reliance on the principles-based Rule 408(a) would ensure that a Member that operates a market maker would be required to protect against the misuse of any material, non-public information. As noted above, Rule 408(a) already requires that firms refrain from trading while in possession of material, non-public information concerning imminent transactions in the security or related product. The Exchange believes that moving to a principles-based approach rather than prescribing how and when to wall off a

[8] *See* Rules 802(e) and 803.

[9] 17 CFR part 242.200(f).

[10] 15 U.S.C. 78o(g).

market maker from the rest of the firm would provide Members operating as market makers with appropriate tools to better manage risk across a firm, including integrating options positions with other positions of the firm or, as applicable, by the respective independent trading unit. Specifically, the Exchange believes that it is appropriate for risk management purposes for a member operating a market maker to be able to consider both options market makers traded positions for purposes of calculating net positions consistent with Rule 200 of Regulation SHO, calculating intra-day net capital positions, and managing risk both generally as well as in compliance with Rule 15c3–5 under the Act (the ''Market Access Rule'').[11] The Exchange notes that any risk management operations would need to operate consistent with the requirement to protect against the misuse of material, non-public information.

The Exchange further notes that if market makers are integrated with other market making operations, they would be subject to existing rules that prohibit Members from disadvantaging their customers or other market participants by improperly capitalizing on a member organization's access to the receipt of material, non-public information. As such, a member organization that integrates its market maker operations together with equity market making would need to protect customer information consistent with existing obligations to protect such information. The Exchange has rules prohibiting Members from disadvantaging their customers or other market participants by improperly capitalizing on the Members' access to or receipt of material, nonpublic information. For example, Rule 609 requires members to establish, maintain, enforce, and keep current a system of compliance and supervisory controls, reasonably designed to achieve compliance with applicable securities laws and Exchange rules. Additionally, Rule 400 prevents a person associated with a Member, who has knowledge of all material terms and conditions of (i) an order and a solicited order, (ii) an order being facilitated, or (iii) orders being crossed; the execution of which are imminent, to enter, based on such knowledge, an order to buy or sell an option for the same underlying security as any option that is the subject of the order, or an order to buy or sell the security underlying such class, or an order to buy or sell any related instrument unless certain circumstances are met.[12]

Additionally, the Exchange proposes to amend the text of Supplementary Material .06 to Rule 717 by reverting to Rule 717's proposed text as it was originally adopted in 2011.[13] The Exchange notes that the current rule text includes explanatory language that was added in 2014 [14] to conform to amendments made to Rule 810. Now that the Exchange proposes to delete Rule 810, these past, conforming changes are unnecessary. The Exchange further notes that the changes proposed in this filing to Rule 717 have no substantive effect on the rule—Members may still demonstrate that orders were entered without knowledge of a pre-existing order on the book represented by the same firm by providing evidence that effective information barriers between the persons, business units and/or systems entering the orders onto the Exchange were in existence at the time the orders were entered. The rule requires that such information barriers be fully documented and provided to the Exchange upon request.

(b) Basis—

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5) [16] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market by adopting a principles based approach to permit a Member operating a market maker to maintain and enforce policies and procedures to, among other things, prohibit the misuse of material, non-public information and eliminate restrictions on how a Member structures its market making operations. The Exchange notes that the proposed rule change is based on an approved rule of the Exchange to which market makers are already subject—Rule 408(a)—and harmonizes the rules governing market makers and Members. Moreover, Members operating market makers would continue to be subject to federal and Exchange requirements for protecting material, non-public order information.[17] The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market because it would harmonize the Exchange's approach to protecting against the misuse of material, non-public information and no longer subject market makers to additional requirements. The Exchange does not believe that the existing requirements applicable to market makers are narrowly tailored to their respective roles because neither market participant has access to Exchange trading information in a manner different from any other market participant on the Exchange and they do not have agency responsibilities to the order book. Additionally, concerning Rule 717, the Exchange believes that appropriate information barriers can be used to demonstrate that the execution of two orders within one second was inadvertent because the orders were entered without knowledge of each other, will clarify the intent and application of Supplementary Material .06 to Rule 717.

The Exchange further believes the proposal is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade because existing rules make clear to market makers and Members the type of conduct that is prohibited by the Exchange. While the proposal eliminates requirements relating to the misuse of material, non-public information, market makers and Members would remain subject to existing Exchange rules requiring them to establish and maintain systems to supervise their activities, and to create, implement, and maintain written procedures that are reasonably designed to comply with applicable securities laws and Exchange rules, including the prohibition on the misuse of material, non-public information.

The Exchange notes that the proposed rule change would still require that Members operating market makers maintain and enforce policies and procedures reasonably designed to ensure compliance with applicable federal securities laws and regulations and with Exchange rules. Even though there would no longer be pre-approval of market maker information barriers,

[11] 17 CFR part 240.15c3–5.

[12] .02 of Supplementary Material to Rule 400.

[13] See Securities Exchange Act Release No. 65361 (September 20, 2011), 76 FR 59472 (September 26, 2011) (SR–ISE–2011–42).

[14] See Securities Exchange Act Release No. 73261 (September 30, 2014), 79 FR 60226 (October 6, 2014) (SR–ISE–2014–43).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] See 15 U.S.C. 78o(g) and Rule 408(a).

any market maker's written policies and procedures would continue to be subject to oversight by the Exchange and therefore the elimination of prescribed restrictions should not reduce the effectiveness of the Exchange rules to protect against the misuse of material, non-public information. Rather, Members will be able to utilize a flexible, principles-based approach to modify their policies and procedures as appropriate to reflect changes to their business model, business activities, or to the securities market itself. Moreover, while specified information barriers may no longer be required, a Member's business model or business activities may dictate that an information barrier or functional separation be part of the set of policies and procedures that would be reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules. The Exchange therefore believes that the proposed rule change will maintain the existing protection of investors and the public interest that is currently applicable to market makers, while at the same time removing impediments to and perfecting a free and open market by moving to a principles-based approach to protect against the misuse of material non-public information.

Finally, the Exchange believes that proposed rule change to Rule 717 is consistent with Section 6(b)(5) of the Act,[18] which requires the rules of an exchange to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.. [sic] In particular, by continuing to specify that the information barriers must be fully documented, members will be better prepared to properly respond to requests for information by the Exchange in the course of a regulatory investigation. Moreover, while members are generally required to provide information to the Exchange as requested, continuing to specify that members must provide written documentation regarding information barriers within the context of this rule will assure that all members adhere to the existing standard for demonstrating compliance with the rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal will enhance competition by allowing market makers to comply with applicable Exchange rules in a manner best suited to their business models, business activities, and the securities markets, thus reducing regulatory burdens while still ensuring compliance with applicable securities laws and regulations and Exchange rules. The Exchange believes that the proposal will foster a fair and orderly marketplace without being overly burdensome upon market makers.

Moreover, the Exchange believes that the proposed rule change would eliminate a burden on competition for Members which currently exists as a result of disparate rule treatment between the options and equities markets regarding how to protect against the misuse of material, non-public information. For those Members that are also members of equity exchanges, their respective equity market maker operations are now subject to a principles-based approach to protecting against the misuse of material non-public information.[19] The Exchange believes it would remove a burden on competition to enable Members to similarly apply a principles-based approach to protecting against the misuse of material, non-public information in the options space. To this end, the Exchange notes that Rule 408(a) still requires a Member that operates as a market maker on the Exchange to evaluate its business to assure that its policies and procedures are reasonably designed to protect against the misuse of material, non-public information. However, with this proposed rule change, a Member that trades equities and options could look at its firm more holistically to structure its operations in a manner that provides it with better tools to manage its risks across multiple security classes, while at the same time protecting against the misuse of material non-public information.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange believes that the foregoing proposed rule change may take effect upon filing with the Commission pursuant to Section19(b)(3)(A)[20] of the Act and Rule 19b–4(f)(6) thereunder[21] 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 its filing date, or such shorter time as the Commission may designate.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2015–26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities

[18] 15 U.S.C. 78f(b)(5).

[19] *See* Securities Exchange Act Release Nos. 60604 (Sept. 2, 2009), 76 FR 46272 (Sept. 8, 2009) (SR–NYSEArca–2009–78) (Order approving elimination of NYSE Arca rule that required market makers to establish and maintain specifically prescribed information barriers, including discussion of NYSE Arca and Nasdaq rules) (''Arca Approval Order''); 61574 (Feb. 23, 2010), 75 FR 9455 (Mar. 2, 2010) (SR–BATS–2010–003) (Order approving amendments to BATS Rule 5.5 to move to a principles-based approach to protecting against the misuse of material, non-public information, and noting that the proposed change is consistent with the approaches of NYSE Arca and Nasdaq) (''BATS Approval Order''); and 72534 (July 3, 2014), 79 FR 39440 (July 10, 2014), SR–NYSE–2014–12) (Order approving amendments to NYSE Rule 98 governing designated market makers to move to a principles-based approach to prohibit the misuse of material non-public information) (''NYSE Approval Order'').

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b-4(f)(6).

and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2015–26. 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–ISE–2015–26 and should be submitted on or before September 25,2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21958 Filed 9–3–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75794; File No. SR–Phlx–2015–74]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding FLEX No Minimum Value Pilot

August 31, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 21, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options) to extend a pilot program that eliminates minimum value sizes for opening transactions in new series of FLEX index options and FLEX equity options (together known as ''FLEX Options'').[3]

The text of the amended Exchange rule is set forth immediately below.

Additions are *in italics* and deletions are [bracketed].

Rules of the Exchange

Options Rules

* * * * *

Rule 1079. FLEX Index, Equity and Currency Options

A Requesting Member shall obtain quotes and execute trades in certain non-listed FLEX options at the specialist post of the non-FLEX option on the Exchange. The term ''FLEX option'' means a FLEX option contract that is traded subject to this Rule. Although FLEX options are generally subject to the Rules in this section, to the extent that the provisions of this Rule are inconsistent with other applicable Exchange Rules, this Rule takes precedence with respect to FLEX options.

(a)–(f) No Change.

• • • ***Commentary:*** ————————

.01 Notwithstanding subparagraphs (a)(8)(A)(i) and (a)(8)(A)(ii) above, for a pilot period ending the earlier of [August]*January* 31, [2015]*2016,* or the date on which the pilot is approved on a permanent basis, there shall be no minimum value size requirements for FLEX options.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options) to extend a pilot program that eliminates minimum value sizes for opening transactions in new series of FLEX Options (the ''Pilot Program'' or ''Pilot'').[4]

Rule 1079 deals with the process of listing and trading FLEX equity, index, and currency options on the Exchange. Rule 1079(a)(8)(A) currently sets the minimum opening transaction value size in the case of a FLEX Option in a newly established (opening) series if there is no open interest in the particular series when a Request-for-Quote (''RFQ'') is submitted (except as provided in Commentary .01 to Rule 1079): (i) $10 million underlying equivalent value, respecting FLEX market index options, and $5 million underlying equivalent value respecting FLEX industry index options; [5] (ii) the lesser of 250 contracts or the number of contracts overlying $1 million in the underlying securities, with respect to

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In addition to FLEX Options, FLEX currency options are also traded on the Exchange. These flexible index, equity, and currency options provide investors the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices; and may have expiration dates within five years. *See* Rule 1079. FLEX currency options traded on the Exchange are also known as FLEX FX Options. The pilot program discussed herein does not encompass FLEX currency options.

[4] The Exchange is also filing a separate proposal to permanently approve the Pilot Program. *See* footnote 10.

[5] Market index options and industry index options are broad-based index options and narrow-based index options, respectively. *See* Rule 1000A(b)(11) and (12).

FLEX equity options (together the ''minimum value size'').[6]

Presently, Commentary .01 to Rule 1079 states that by virtue of the Pilot Program ending August 31, 2015, or the date on which the pilot is approved on a permanent basis, there shall be no minimum value size requirements for FLEX Options as noted in subsections (a)(8)(A)(i) and (a)(8)(A)(ii) of Rule 1079.[7]

The Exchange now proposes to extend the Pilot Program for a pilot period ending the earlier of January 31, 2016, or the date on which the Pilot is approved on a permanent basis.[8]

The Exchange believes that there is sufficient investor interest and demand in the Pilot Program to warrant an extension. The Exchange believes that the Pilot Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Extension of the Pilot Program would continue to provide greater opportunities for traders and investors to manage risk through the use of FLEX Options, including investors that may otherwise trade in the unregulated over the counter (''OTC'') market where similar size restrictions do not apply.[9]

In support of the proposed extension of the Pilot Program, the Exchange has under separate cover submitted to the Commission a Pilot Program Report (''Report'') that provides an analysis of the Pilot Program covering the period during which the Pilot has been in effect. This Report includes: (i) Data and analysis on the open interest and trading volume in (a) FLEX equity options that have an opening transaction with a minimum size of 0 to 249 contracts and less than $1 million in underlying value; (b) FLEX index options that have an opening transaction with a minimum opening size of less than $10 million in underlying equivalent value; and (ii) analysis of the types of investors that initiated opening FLEX Options transactions (*i.e.,* institutional, high net worth, or retail). The Report has been submitted to the Commission and the Exchange has requested confidential treatment under the Freedom of Information Act.[10]

2. Statutory Basis

The Exchange's proposal is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. Specifically, the Exchange believes that the proposed extension of the Pilot Program, which eliminates the minimum value size applicable to opening transactions in new series of FLEX Options, would provide greater opportunities for investors to manage risk through the use of FLEX Options. The Exchange notes that it has not experienced any adverse market effects with respect to the Pilot Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal would give traders and investors the opportunity to more effectively tailor their trading, investing and hedging through FLEX options traded on the Exchange. Prior to the Pilot, options that represented opening transactions in new series that could not meet a minimum value size could not trade via FLEX on the Exchange, but rather had to trade OTC. Extension of the Pilot enables such options to continue to trade on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may seamlessly continue its Pilot Program without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[16] The Commission notes that waiving the 30-day operative delay would prevent the expiration of the Pilot Program on August 31, 2015, prior to the extension of the pilot program becoming operative. Therefore, the Commission hereby waives the 30-day operative delay 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

[6] Subsection (a)(8)(A) also provides a third alternative: (iii) 50 Contracts in the case of FLEX currency options. However, this alternative is not part of the Pilot Program.

[7] *See* Securities Exchange Act Release No. 74481 (March 11, 2015), 80 FR 13923 (March 17, 2015) (SR–Phlx–2015–22) (notice of filing and immediate effectiveness of proposal to extend Pilot Program). The Pilot Program was instituted in 2010. *See* Securities Exchange Act Release No. 62900 (September 13, 2010), 75 FR 57098 (September 17, 2010) (SR–Phlx–2010–123) (notice of filing and immediate effectiveness of proposal to institute Pilot Program).

[8] The Exchange notes that any positions established under this Pilot would not be impacted by the expiration of the Pilot. For example, a 10 contract FLEX equity option opening position that overlies less than $1 million in the underlying security and expires in January 2016 could be established during the Pilot. If the Pilot Program were not extended, the position would continue to exist and any further trading in the series would be subject to the minimum value size requirements for continued trading in that series.

[9] The Exchange has not experienced any adverse market effects with respect to the Pilot Program.

[10] 5 U.S.C. 552. The Exchange notes that it expects to file a proposal for permanent approval of the Pilot Program. With this proposal, the Exchange will submit a Report that is publicly available. In the event the Pilot Program is not permanently approved by January 31, 2016, the Exchange will submit an additional Report covering the extended Pilot period.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its 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.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–Phlx–2015–74 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–Phlx–2015–74. 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 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–Phlx–2015–74, and should be submitted on or before September 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21956 Filed 9–3–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 05/05–0248 issued to Banc of America Capital Investors SBIC II, LP said license is hereby declared null and void.

United States Small Business Administration.

Dated: August 31, 2015.

Javier Saade,

Associate Administrator for Investment and Innovation.

[FR Doc. 2015–21948 Filed 9–3–15; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2015–0052]

Agency Information Collection Activities: Proposed Request and Comment Request the Social Security Administration (SSA) Publishes a List of Information Collection Packages Requiring Clearance by the Office of Management and Budget (OMB) in Compliance With Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This Notice Includes Revisions and Extensions of OMB-Approved Information Collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.* Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2015–0052].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than November 3, 2015. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. The Ticket to Work and Self-Sufficiency Program—20 CFR 411—0960–0644. SSA's Ticket to Work (TTW) Program transitions Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) recipients toward independence by allowing them to receive Social Security payments while maintaining employment under the auspices of the program. SSA uses service providers, called Employment Networks (ENs), to supervise participant progress through the stages of TTW Program participation, such as job searches and interviews, progress reviews, and changes in ticket status. ENs can be private for-profit and nonprofit organizations, as well as state vocational rehabilitation agencies (VRs). SSA and the ENs utilize the TTW program manager to operate the TTW Program and exchange information about participants. For example, the ENs use the program manager to provide updates on tasks such as selecting a payment system or requesting payments for helping the beneficiary achieve certain work goals. Since the ENs are not PRA-exempt, the multiple information collections within the TTW program manager require OMB approval, and we clear them under this information collection request (ICR). Most of the categories of information in this ICR are necessary for SSA to: (1) Comply with the Ticket to Work legislation; and (2) provide proper oversight of the program. SSA collects this information through several modalities, including forms, electronic exchanges, and written documentation. The respondents are the ENs or state VRs, as well as SSDI

[17] 17 CFR 200.30–3(a)(12).

beneficiaries, and blind or disabled SSI recipients working under the auspices of the TTW Program.

Type of Collection: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
a) 20 CFR 411.140(d)(2)—Interactive Voice Recognition Telephone	6,428	1	2.5	268
a) 20 CFR 411.140(d)(2)—Portal	25,713	1	1.25	536
a) 20 CFR 411.140(d)(3)—Virtual Job Fair Registration-Employment Networks	500	1	10	83
a) 20 CFR 411.140(d)(3); 411.325(a); 411.150(b)(3)—SSA–1365	948	1	15	237
a) 20 CFR 411.140(d)(3); 411.325(a); 411.150(b)(3)—SSA–1365 Portal	3,792	1	11	695
a) 20 CFR 411.140(d)(3); 411.325(a); 411.150(b)(3)—SSA–1370	1,956	1	60	1,956
a) 20 CFR 411.140(d)(3); 411.325(a); 411.150(b)(3)—SSA–1370 Portal	5,868	1	10	978
a) 20 CFR 411.166; 411.170(b)—Electronic File Submission	40,324	1	5	3,360
b) 20 CFR 411.145; 411.325	2,494	1	15	624
b) 20 CFR 411.145; 411.325—Portal	7,481	1	11	1,372
b) 20 CFR 411.535(a)(1)(iii)—Data Sharing/Portal	8,505	1	5	709
c) 20 CFR 411.192(b) & (c)	6	1	30	3
c) 20 CFR 411.200(b)—SSA–1375	112,362	1	15	28,091
c) 20 CFR 411.200(b)—Portal	64,824	1	5	5,402
c) 20 CFR 411.210(b)	41	1	30	21
c) 20 CFR 411.200(b) Wise Webinar Registration Page	24,000	1	3	1,200
c) 20 CFR 411.200(b) Virtual Job Fair Registration	9,000	1	10	1,500
d) 20 CFR 411.365; 411.505; 411.515	6	1	10	1
e) 20 CFR 411.325(d); 411.415	1*	1	480	8
f) 20 CFR 411.575—SSA–1389; SSA–1391; SSA–1393; SSA–1396; SSA–1398; SSA–1399	2,805	1	40	1,870
f) 20 CFR 411.575—Portal	42,075	1	22	15,427
f) 20 CFR 411.575—Automatic Payments	11,220	1	0	0
f) 20 CFR 411.560—SSA–1401	100	1	20	33
g) 20 CFR 411.325(f)	1,371	1	45	1,028
h) 20 CFR 411.435; 411.615; 411.625	2	1	120	4
i) 20 CFR 411.320—SSA–1394	52	1	10	9
i) 20 CFR 411.320—SSA–1394 Portal	158	1	5	13
Totals	372,032			65,428

* (None received in 2012, 2013, 2014)

2. Representative Payment Policies and Administrative Procedures for Imposing Penalties for False or Misleading Statements or Withholding of Information—0960–0740. This information collection request comprises several regulation sections that provide additional safeguards for Social Security beneficiaries' whose representative payees receive their payment. SSA requires representative payees to notify them of any event or change in circumstances that would affect receipt of benefits or performance of payee duties. SSA uses the information to determine continued eligibility for benefits, the amount of benefits due and if the payee is suitable to continue servicing as payee. The respondents are representative payees who receive and use benefits on behalf of Social Security beneficiaries.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion (regulation citation)	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
404.2035(d)—Paper/Mail	28,600	1	5	2,383
404.2035(d)—Office interview/Intranet	543,400	1	5	45,283
404.2035(f)—Paper/Mail	286	1	5	24
404.2035(f)—Office interview/Intranet	5,434	1	5	453
416.635(d)—Paper/Mail	15,600	1	5	1,300
416.635(d)—Office interview/Intranet	286,400	1	5	23,867
416.635(f)—Paper/Mail	156	1	5	13
416.635(f)—Office interview/Intranet	2,964	1	5	247
Totals	882,840			73,570

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than October 5, 2015. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Statement of Employer—20 CFR 404.801–404.803—0960–0030. When workers report they were paid wages but cannot provide proof of those earnings, and the wages do not appear in SSA's records of earnings, SSA uses Form SSA–7011–F4 to document the alleged wages. Specifically, the agency uses the form to resolve discrepancies in the individual's Social Security earnings record and to process claims for Social Security benefits. We only send Form SSA–7011–F4 to employers if we are unable able to locate the earnings information within our own records. The respondents are employers who can verify wage allegations made by wage earners.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7011–F4	500	1	20	167

2. Substitution of Party Upon Death of Claimant—20 CFR 404.957(c)(4) and 416.1457(c)(4)—0960–0288. An administrative law judge (ALJ) may dismiss a request for a hearing on a pending claim of a deceased individual for Social Security benefits or SSI payments. Individuals who believe the dismissal may adversely affect them may complete Form HA–539, which allows them to request to become a substitute party for the deceased claimant. The ALJs and the hearing office support staff use this information from the HA–539 to: (1) Maintain a written record of request; (2) establish the relationship of the requester to the deceased claimant; (3) determine the substituted individual's wishes regarding an oral hearing or decision on the record; and (4) admit the data into the claimant's official record as an exhibit. The respondents are individuals requesting to be a substitute party for a deceased claimant.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–539	4,000	1	5	333

3. Claimant Statement about Loan of Food or Shelter; Statement about Food or Shelter Provided to Another—20 CFR 416.1130–416.1148—0960–0529. SSA bases an SSI claimant or recipient's eligibility on need, as measured by the amount of income an individual receives. Per our calculations, income includes other people providing in-kind support and maintenance in the form of food and shelter to SSI applicants or recipients. SSA uses Forms SSA–5062 and SSA–L5063 to obtain statements about food or shelter provided to SSI claimants or recipients. SSA uses this information to determine whether food or shelters are bona fide loans or income for SSI purposes. This determination may affect claimants' or recipients' eligibility for SSI as well as the amounts of their SSI payments. The respondents are claimants and recipients for SSI payments, and individuals who provide loans of food or shelter to them.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–5062 Paper form	34,752	1	10	5,792
SSA–L5063 Paper form	34,752	1	10	5,792
SSA–5062 Modernized SSI Claims System (MSSICS)	34,752	1	10	5,792
SSA–L5063 MSSICS	34,752	1	10	5,792
Total	139,008			3,168

4. Representative Payee Report of Benefits and Dedicated Account—20 CFR 416.546, 416.635, 416.640, 416.665—0960–0576. SSA requires representative payees (RPs) to submit a written report accounting for the use of money paid to Social Security or SSI recipients, and to establish and maintain a dedicated account for these payments. SSA uses Form SSA–6233 to: (1) Ensure the RPs use the payments for the recipient's current maintenance and personal needs; and (2) confirm the expenditures of funds from the dedicated account remain in compliance with the law. Respondents are RPs for SSI and Social Security recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–6233	30,000	1	20	10,000

5. Application for Circuit Court Law—20 CFR 404.985 & 416.1458—0960–0581. Persons claiming an acquiescence ruling (AR) would change SSA's prior determination or decision must submit a written readjudication request with specific information. SSA reviews the information in the requests to determine if the issues stated in the AR pertain to the claimant's case, and if the claimant is entitled to readjudication. If readjudication is appropriate, SSA considers the issues the AR covers. Any new determination or decision is subject to administrative or judicial review as specified in the regulations.

Respondents are claimants for Social Security benefits and SSI payments who request readjudication. This information collection request is for the information claimants must provide to request readjudication.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
AR-based Readjudication Requests	10,000	1	17	2,833

6. Certification of Prisoner Identity Information—20 CFR 422.107—0960–0688. Inmates of Federal, State, or local prisons may need a Social Security card as verification of their Social Security number for school or work programs, or as proof of employment eligibility upon release from incarceration. Before SSA can issue a replacement Social Security card, applicants must show SSA proof of their identity. People who are in prison for an extended period typically do not have current identity documents. Therefore, under formal written agreement with the correctional institution, SSA allows prison officials to verify the identity of certain incarcerated U.S. citizens who need replacement Social Security cards. Information prison officials provide comes from the official prison files, sent on correctional facility letterhead. SSA uses this information to establish the applicant's identity in the replacement Social Security card process. The respondents are prison officials who certify the identity of prisoners applying for replacement Social Security cards.

Type of Request: Extension of an OMB-approved Information Collection.

Modality of completion	Number of respondents	Frequency of response	(Number of responses)	Average burden per response (minutes)	Estimated total annual burden (hours)
Verification of Prisoner Identity Statements	1,000	200	(200,000)	3	10,000

Dated: September 1, 2015.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2015–21967 Filed 9–3–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9256]

60-Day Notice of Proposed Information Collection: INTERNational Connections

ACTION: Notice of request for public comment.

SUMMARY: The U.S. Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *November 3, 2015.*

You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2015–0044'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: rudowh@state.gov.*
- *Regular Mail:* Send written comments to: U.S. Department of State, 2401 E St. NW., SA1–518H, Washington, DC 20520. Attn.: Heather Rudow.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

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 Heather Rudow, 2401 E Street NW., Washington, DC 20520, who may be reached on 202–261–8953 or at *rudowh@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* INTERNational Connections.
- *OMB Control Number:* 1405–0190.
- *Type of Request:* Extension of an Approved Collection.
- *Originating Office:* Bureau of Human Resources, Office of Recruitment, Examination and Employment (HR/REE).
- *Form Number:* DS–5103.
- *Respondents:* Current and former interns of the U.S. Department of State's student programs, including internships, Pickerings, Rangels, Pathways, etc., and Department employees.

• *Estimated Number of Respondents:* 1,000.

• *Estimated Number of Responses:* 1,000.

• *Average Time per Response:* 15 minutes.

• *Total Estimated Burden Time:* 250 hours.

• *Frequency:* On occasion.

• *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Department's student internship programs provide a key source of potential candidates who have an interest in, and are competitive, to become future Department employees. Naturally, HR/REE wants to strengthen and maintain its connections to this group, fostering and mentoring a pool of candidates from which to obtain successful recruits.

In June 2008, HR/REE surveyed over 3,500 former interns who served from 2005 through spring 2008. The intern alumni were queried as to their motivation in seeking an internship, whether or not they had pursued a career with either the Foreign Service or Civil Service, and what their recommendations would be for the best ways for the Department to maintain contact after the conclusion of their internships. Intern alumni endorse continued contact with Department representatives mainly through electronic means and Web site reminders of career opportunities.

In an effort to address these findings and provide viable solutions to improving student engagement prior to, during and following an internship, the Department developed an intern engagement strategy that will potentially result in a measurable conversion of interns into Department hires for the Foreign or Civil Service. The foundation of this strategy is INTERNational Connections, a Web-based career networking site for current and former interns as well as Department employees that collects pertinent information about them, their experiences and their career goals.

Methodology

Users register online at *https://internconnect.careers.state.gov* and create a profile that includes: Full name, program status, names of colleges you've attended, major/minor, where you're from, current post, year graduated, career goals and interests, personal interests, twitter handle, career path, bureau, job title, professional experience and languages you can speak. The sources of information are current and former interns, as well as Department employees.

Dated: August 26, 2015.

Derwood Staeben,

Director, HR/REE, U.S. Department of State.

[FR Doc. 2015–22032 Filed 9–3–15; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on Monday, September 28, and Tuesday, September 29, 2015, to consider various matters.

The RRSC was established to advise TVA on its natural resource stewardship activities. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

The meeting agenda includes the following:

1. Introductions
2. Updates on Natural Resources issues
3. Presentations regarding TVA Stewardship Initiatives, Floating Houses, Dam Projects, and Encroachment Management
4. Public Comments
5. Council Discussion and Advice

The RRSC will hear opinions and views of citizens by providing a public comment session starting at 9:00 a.m., EDT, on Tuesday, September 29. Persons wishing to speak are requested to register at the door by 8:30 a.m. EDT on Tuesday, September 29 and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–9 D, Knoxville, Tennessee 37902.

DATES: The public meeting will be held on Monday, September 28, from 9:30 a.m. to 2:30 p.m., and Tuesday, September 29, from 8:00 a.m. to 11:45 a.m. EDT.

ADDRESSES: The meeting will be held at the Tennessee Valley Authority Auditorium, 400 W Summit Hill Drive, Knoxville, Tennessee, 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Beth Keel, 400 West Summit Hill Drive, WT–9 D, Knoxville, Tennessee 37902, (865) 632–6113.

Dated: August 28, 2015.

Joseph J. Hoagland,

Vice President, Stakeholder Relations, Tennessee Valley Authority.

[FR Doc. 2015–22038 Filed 9–3–15; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land; Akron Fulton International Airport, Akron, OH.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change approximately 7.9510 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property at Akron Fulton International Airport, Akron, OH.

The property is located at 1353 Exeter Road. The aforementioned land is surplus airport property and is not needed for aeronautical use. The land is currently developed and leased for light industrial purposes. Upon release the land will be sold at fair market value to a business the currently leasing the property.

DATES: Comments must be received on or before October 5, 2015.

ADDRESSES: Documents are available for review by appointment at the FAA Airports District Office, Alex Erskine,

Program Manager, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174 Telephone: (734) 229–2900/Fax: (734) 229–2950 and City of Akron, Engineering Bureau, 166 South High Street, Akron, Ohio 44308 Telephone (330) 375–2865.

Written comments on the Sponsor's request must be delivered or mailed to: Alex Erskine, Program Manager, Federal Aviation Administration, Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174, Telephone Number: (734) 229–2900/FAX Number: (734) 229–2950.

FOR FURTHER INFORMATION CONTACT: Alex Erskine, Program Manager, Federal Aviation Administration, Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number: (734) 229–2900/FAX Number: (734) 229–2950.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The property is currently leased and is not needed for current or future aeronautical purposes. All of the subject property was transferred to the City of Akron under the provisions of the Surplus Property Act of 1944. The airport plans to sell the property at fair market value upon release.

The disposition of the proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Akron Fulton International Airport, Akron, Ohio, from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Description for This Survey: Situated in the City of Akron, County of Summit, State of Ohio and being known as part of Original Lot 3, Tract 2, formerly Springfield Township, said parcel being all of 12L and part of additional airport property as referenced in the Akron Fulton International Airport Layout Plan A.I.P. 3–39–0002–04 approved by the FAA August 1992, further bounded and described as follows;

Beginning at an iron pin found in a monument box at the intersection of the centerlines of Kelly Avenue (80′ R/W) and Exeter Road (R/W Varies), thence North 00°31′31″ East, a distance of 40.07 feet to a point, thence South 89°28′29″ East, a distance of 40.00 feet to an iron pin set (capped City of Akron) in the east R/W line of said road thence South 87°51′35″ East, a distance of 99.20 feet to an iron pin set (capped City of Akron) and known as the True Place of Beginning for the following described parcel of land; thence North 61°17′26″ East, a distance of 53.97 feet to an iron pin set (capped City of Akron); thence North 52°40′53″ East, a distance of 1049.19 feet, to an iron pin set (capped City of Akron) in the westerly R/W line of the Metro Regional Transit Authority (60′ R/W); thence, 419.35 feet, along said R/W line and arc of a curve to the left, to an iron pin set (capped City of Akron) at the Point of Tangency, said curve has a radius of 2887.93 feet, a central angle of 08°19′11″, a chord of 418.98 feet and bearing of South 07°33′02″ East; thence South 11°42′28″ East, a distance of 301.41 feet, continuing along said R/W line, to an iron pin set (capped City of Akron) in the north R/W line of Exeter Road; thence North 87°51′35″ West, a distance of 999.06 feet, along said R/W line, to an iron pin set (capped City of Akron); thence North 02°08′08″ East, a distance of 11.19 feet, to the Place of Beginning, containing 7.9510 Acres of land, more or less, but subject to all legal highways and easements of record.

As determined from a survey made by Paul R. Couch, Registered Surveyor No. 7824 on behalf of the City of Akron Engineering Bureau, June 2014.

The basis of bearings is referenced to the Ohio State Plane Coordinate System, North Zone.

Issued in Romulus, Michigan, on August 17, 2015.

John L. Mayfield, Jr.,

Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2015–22008 Filed 9–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Request by Clinton County for FAA Approval of a Land Release From Federal Obligations of the Site Formerly Known as Clinton County Airport, Plattsburgh, NY

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice and request for comment.

SUMMARY: The FAA proposes to rule and invite public comment for a request by Clinton County for FAA approval of a Land Release from Federal obligations of the site formerly known as Clinton County Airport, Plattsburgh, NY.

DATES: Comments must be received on or before October 5, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the following address:

Rodney L. Brown, Deputy County Administrator, Clinton County Government Center, 137 Margaret Street, Suite 208, Plattsburgh, NY 12901, (518) 565–4709.

and at the FAA New York Airports District Office:

Evelyn Martinez, Manager, New York Airports District Office, 1 Aviation Plaza, Jamaica, NY 11434, (718) 995–5771.

FOR FURTHER INFORMATION CONTACT: Ryan Allen, Community Planner, New York Airports District Office, location listed above. (718) 995–5677.

The request by Clinton County for FAA approval of a Land Release from Federal obligations of the site formerly known as Clinton County Airport may be reviewed in person at the New York Airports District Office located at 159–30 Rockaway Blvd., Suite 111, Jamaica, NY 11434.

SUPPLEMENTARY INFORMATION: The FAA invites public comment for the request by Clinton County for FAA approval of a Land Release from Federal obligations of the site formerly known as Clinton County Airport under the provisions of 49 U.S.C. 47125(a). Based on a full review, the FAA determined that this request met the procedural requirements.

The following is a brief overview of the request:

The total 615 acre site formerly known as Clinton County Airport in Plattsburgh, NY was decommissioned and closed by the owner, and all operations and assets were subsequently transferred to Plattsburgh International Airport. Clinton County, owner of the site, determined that the airport was no longer needed for airport purposes and

that the aviation system would benefit from the closure and transfer of operations to Plattsburgh International Airport. The sponsor is requesting the release of Federal grant assurance obligations on the site formerly known as Clinton County Airport to allow for the sale of the property at fair market value. Sale proceeds would be utilized to offset costs associated with the closure and transfer, and any additional proceeds would be invested into Plattsburgh International Airport in accordance with 49 U.S.C. 47107 and the FAA's policy on revenue use.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed land release. All comments will be considered by the FAA to the extent practicable.

Issued in Jamaica, New York, August 28, 2015.

Evelyn Martinez,

Manager, New York Airports District Office.

[FR Doc. 2015–22007 Filed 9–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–2008–0362 and FMCSA–2006–26367]

Motor Carrier Safety Advisory Committee and Medical Review Board Public Meetings

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Announcement of advisory committee public meetings.

SUMMARY: FMCSA announces a joint meeting of its Motor Carrier Safety Advisory Committee (MCSAC) and Medical Review Board (MRB) on Monday and Tuesday, September 21 and 22. Together, the MCSAC and MRB will identify concepts the Agency and stakeholders should consider in relation to the issue of health and wellness of drivers of commercial motor vehicles and the establishment of a driver wellness initiative, a non-regulatory public-private partnership of stakeholders to improve drivers' health. The MRB and MCSAC will discuss the structure, content, delivery, and evaluation of this initiative. The meeting is open to the public for its entirety.

DATES: The joint meeting will be held on Monday and Tuesday, September 21 and 22, 2015, from 9 a.m. to 4:30 p.m., Eastern Daylight Time (E.T.), at the Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202. Copies of the MRB and MCSAC joint task statement and an agenda for the entire meeting will be made available in advance of the meeting at *http://mrb.fmcsa.dot.gov* and *http://mcsac.fmcsa.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Policy Advisor, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–2551, *mcsac@dot.gov.*

Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Eran Segev at (617) 494–3174, *eran.segev@dot.gov,* by Wednesday, September 16.

SUPPLEMENTARY INFORMATION:

I. Background

MCSAC

Section 4144 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU, Pub. L. 109–59, 119 Stat. 1144, August 10, 2005) required the Secretary of Transportation to establish the MCSAC. The Moving Ahead for Progress in the 21st Century Act (MAP–21, Pub. L. 112–141) reauthorized the MCSAC through September 30, 2013, at which time its statutory authority expired, necessitating the establishment of MCSAC as a discretionary committee under FACA. Secretary Foxx established that effective September 30, 2013, through September 30, 2015. MCSAC provides advice and recommendations to the FMCSA Administrator on motor carrier safety programs and regulations, and operates in accordance with the Federal Advisory Committee Act (FACA, 5 U.S.C. App 2).

MRB

Section 4116 of SAFETEA–LU requires the Secretary of Transportation, with the advice of the MRB and the chief medical examiner, to establish, review, and revise ''medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely.'' The MRB operates in accordance with FACA under the terms of its charter, filed November 25, 2013.

II. Meeting Participation

Oral comments from the public will be heard throughout the meeting, at the discretion of the MCSAC and MRB chairmen. Members of the public may submit written comments on the topics to be considered during the meeting by Wednesday, September 16, to Federal Docket Management System (FDMC) Docket Number FMCSA–2008–0362 for the MRB and FMCSA–2006–26367 for the MCSAC using any of the following methods:

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

Issued on: September 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–22046 Filed 9–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Daimler Trucks North America (Daimler) has requested an exemption for one commercial motor vehicle (CMV) driver, Philipp Kehm, from the Federal requirement to hold a commercial driver's license (CDL) issued by one of the States. This engineer holds a valid German CDL and needs to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in ''real world'' environments, and verify results. Daimler believes the requirements for a German CDL ensure that holders of the license will likely achieve a level of safety equal to or greater than that of drivers who hold a U.S. State-issued CDL.

DATES: Comments must be received on or before October 5, 2015.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2012–0032 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* heading below. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov* at any time and in the box labeled ''SEARCH for'' enter FMCSA–2012–0032 and click on the tab labeled ''SEARCH.''

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

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.*

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 granting or denying the exemption, 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 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)).

Since 2012, FMCSA has granted five Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); August 29, 2014 (79 FR 516910); March 27, 2015 (80 FR 16511)]. Each of these drivers held a valid German commercial license but lacked the U.S. residency required to obtain a CDL. FMCSA has concluded that the process for obtaining a German commercial license is comparable to or as effective as the U.S. CDL requirements and ensures that these drivers will likely achieve a level of safety equivalent to or greater than the level that would be obtained in the absence of the exemption.

Request for Exemption

Daimler has applied for an exemption for one of its engineers from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. This driver, Philipp Kehm, holds a valid German commercial license but is unable to obtain a CDL in any of the U.S. States due to residency requirements. A copy of the application is in Docket No. FMCSA–2012–0032.

The exemption would allow Mr. Kehm to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental requirements and to develop improved safety and emission technologies. According to Daimler, Mr. Kehm will typically drive for no more than 6 hours per day for up to 10 days, and 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, on a biannual basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled. Daimler requests that the exemption cover a two-year period.

FMCSA has previously determined that the process for obtaining a German CDL is comparable to the Federal requirements of 49 CFR part 383 and adequately assesses a driver's ability to operate CMVs in the United States.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Daimler's application for an exemption from the CDL requirements of 49 CFR 383.23. The Agency will consider all comments received by close of business on October 5, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice.

Issued on: August 28, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–22045 Filed 9–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Railroad Safety Grants for the Safe Transportation of Energy Products by Rail Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funding availability.

SUMMARY: This Notice of Funding Availability (NOFA or notice) details the application requirements and procedures for obtaining grant funding for eligible projects under Railroad Safety Grants for the Safe Transportation of Energy Products by Rail (or STEP Rail) Program. The opportunities described in this notice are available under Catalog of Federal Domestic Assistance (CFDA) number 20.314, ''Railroad Development.''

DATES: Applications for funding under this notice are due no later than 5:00

p.m. Eastern Daylight Time (EDT), on November 4, 2015. Applications for funding received after 5:00 p.m. EDT on November 4, 2015, will not be considered for funding. See Section 4 of this notice for additional information regarding the application process.

ADDRESSES: Applications for funding must be submitted via Grants.gov. For any required or supporting application materials that an applicant is unable to submit via Grants.gov (such as oversized engineering drawings), the applicant may submit an original and two copies to John Winkle, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 20, Washington, DC 20590. As the application deadline approaches, applicants are advised to use other means of document conveyance, such as courier service, to ensure timely delivery.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact John Winkle, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 20, Washington, DC 20590; Email: *john.winkle@dot.gov;* Phone: (202) 493–6067; Fax: (202) 493–6333.

SUPPLEMENTARY INFORMATION: *Notice to applicants:* FRA recommends that applicants read this notice in its entirety prior to preparing application materials. There are several administrative requirements described herein that applicants must comply with to submit an application and application requirements may differ depending on the type of proposed project. FRA has established a Web page for grant notices, at *www.fra.dot.gov/Page/P0021,* that contains required application materials and additional guidance for topics referenced in this notice.

Additionally, applicants should note that the required project narrative component of the application package may not exceed 25 pages in length.

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Section 1: Program Description

1.1 Background

Over the last 10 years, the number of railroad accidents in the U.S. has declined by 46 percent and those accidents involving hazardous materials have declined by almost 50 percent. Nonetheless, there is opportunity for improvement, and safety continues to be FRA's number one priority, particularly where hazardous materials and energy product transport are concerned.

In the past two years, DOT and FRA have aggressively taken more than two dozen actions (*https://www.fra.dot.gov/eLib/details/L04721*) on multiple fronts to mitigate accident risk and promote rail safety. FRA has issued emergency orders and safety advisories; conducted special inspections, such as ''Operation Classification''; and brought together railroad companies on a series of immediate actions they can take to improve safety. Additionally, DOT recently released its Final Rule to Strengthen Safe Transportation of Flammable Liquids by Rail (*https://www.fra.dot.gov/eLib/details/L16355#p2_z5_gD_lPR*), which will prevent accidents, mitigate accident consequences, and support emergency response.

This NOFA represents another component of FRA's multi-pronged effort to promote the safe transport of hazardous materials, with a special emphasis on the movement of energy products by rail, which has increased by well over 4,000 percent in the past 7 years alone, largely due to the increase in domestic crude oil production and its transport to market.

1.2 Program Overview

This notice contains the requirements and procedures applicants must follow to compete for funding under the Railroad Safety Grants for the Safe Transportation of Energy Products by Rail Program. This Program makes $10,000,000 in discretionary funding available for public and private railroad grade crossing enhancement and track improvement projects that improve safety on rail routes that transport flammable energy products, which are defined as crude oil, ethanol, and natural gas for the purposes of this notice.

Applicants are encouraged to read the remainder of this NOFA carefully for funding parameters; applicant, project, and project-cost eligibility requirements; application development and submission policies; details regarding FRA's application evaluation and selection criteria; and post-award grant administration responsibilities.

1.3 Legislative Authority

Funding for this notice was made available by the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235, Division K, Title I, sec. 153, 128 Stat. 2130, 2718 (2014). This Act appropriated $10,000,000 for this grant program, all of which is available through this NOFA.

Section 2: Federal Award Information

The total amount of funding available under this NOFA is $10,000,000. FRA anticipates making multiple awards under this notice. However, given the relatively limited amount of funding available for award, FRA:

(1) Encourages applicants to constrain their Federal funding request to a maximum of $3,000,000 per project and application. While this funding request limit is a recommendation and not a firm requirement, applications exceeding the recommended amount must explain why additional funding over the recommended amount is necessary to implement the proposed project. If additional funding is required for a particular project, applicants are advised to subdivide higher-cost projects into discrete components that demonstrate operational independence and public benefits discrete to that project component.

(2) Strongly encourages applicants to leverage other federal, state, local, or private funds to support the proposed project.

(3) May not be able to award grants to all eligible applications, or even those applications that meet or exceed the stated evaluation criteria (see Section 5, Application Review and Selection). However, should additional funding become available, FRA may choose to fund applications submitted under this NOFA, but not selected in FRA's first round of funding.

Section 3: Eligibility Information

This section of the notice provides the requirements for submitting an eligible grant application under this Program. Applications that do not meet the requirements in this section may be considered ineligible for funding. Instructions for conveying eligibility information to FRA are detailed in Section 4 of this NOFA.

3.1 Applicant Eligibility

The following entities are eligible applicants for all project types permitted under this notice (see section 3.2, ''Project Eligibility''):

- States
- Groups of States
- Interstate Compacts

FRA prefers but does not require that State Departments of Transportation (or similar) submit applications on behalf of their State.

3.2 Project Eligibility

This notice solicits applications for two distinct project types. The types of

costs/activities allowed under each project type are discussed in Section 3.3, ''Cost Eligibility'':

- Grade Crossing Improvements; and
- Track Enhancements.

All eligible projects types must be conducted on and directly relate to rail lines over which crude oil, ethanol, and/or natural gas are transported.[1] In addition, all applications must clearly demonstrate project need and the expected positive impact of the proposed project on rail safety using clear, supportable data.

Proposed grade crossing improvement and track enhancement projects may include pre-construction planning activities in their statement of work (SOW) (see Section 4 for more details on SOW requirements).

Applicants seeking grade crossing improvement funding must describe their project in the context of the Federal Highway Administration's Railway-Highway Crossing Program funds, 23 U.S.C. 130 funding (Section 130 funding). Specifically, applicants must document why their State has not used Section 130 funding to conduct the proposed project, *or* how FRA funds will be used to augment/complement work currently proposed, underway, or completed using Section 130 funding.

All applicants must establish the need for their project in the context of energy product transport by rail.

FRA will only accept one project per application, with two discrete exceptions:

(1) FRA will accept an application that proposes a single project composed of combination track enhancements and grade crossing improvements *if* those enhancements and improvements are at the same or contiguous project sites and the applicant demonstrates that together, they have a markedly higher improvement on rail safety if jointly implemented; and

(2) FRA will accept an application that proposes improvements at sequential grade crossings that, together, will result in a sealed rail corridor or segment.

[1] FRA does not maintain comprehensive, publicly-available data regarding where crude oil, ethanol, and/or natural gas are currently transported over rail lines. Therefore, FRA encourages applicants to work with railroads or track owners to determine if a particular line meets this criterion. This information may also be available from emergency responders or emergency planners. Information regarding hazardous material commodity flows, including energy products, may be requested via the provisions of the Association of American Railroads' Circular OT–55–O, which may be downloaded here: *http://www.boe.aar.com/boe-download.htm.*

3.3 Cost Eligibility

3.3.1. Matching Funds. FRA's funding contribution to any proposed project under this NOFA must not exceed an 80 percent share of the total project cost. At least 20 percent of any total project costs must be provided for by the applicant in the form of project match, and applicants are encouraged to leverage funds in excess of the 20 percent project cost where possible. Federal regulation prohibits FRA from considering any Federal or non-Federal funds already expended (or otherwise encumbered) toward the matching requirement. Applicants must identify the source(s) of their matching and other leveraged funds, and must clearly and distinctly reflect these funds as part of the total project cost in the application budget.

Before submitting an application, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306.

3.3.2. Grade Crossing Improvement Costs. Activities proposed for grade crossing improvement projects should fall into the following categories, although the examples provided are not exhaustive:

- Crossing Approach Improvements—includes channelization, medians, and illumination.
- Crossing Sign and Pavement Improvements.
- Active Grade Crossing Warning Device Installation/Upgrade—includes flashing lights, gates, bells, track circuitry (such as constant warning time), highway traffic signal interconnection, and highway-traffic signal preemption.
- Visibility Improvements—includes sight distance improvements and vegetation clearance.
- Crossing Geometry Improvements—includes horizontal and/or vertical roadway alignment, and elimination or modification of high-profile or ''humped'' crossings.
- Grade Crossing Elimination—includes crossing elimination through crossing closure, roadway relocation, or construction of grade separation structures.
- Other Innovative Crossing Improvements—includes other justifiable safety enhancements such as photo/video enforcement equipment, vehicle presence detection, and remote health monitoring equipment.

FRA strongly encourages applicants to submit proposals for grade crossing improvement projects that go beyond basic signage or visibility improvements (although these improvements may be part of a larger proposed grade crossing improvement project). Application selection preference may be given to projects where proven innovative or cutting edge grade crossing safety techniques or technology will be applied.

3.3.3. Track Enhancements Costs. Activities proposed for track enhancements should be focused on efforts to rehabilitate, restore, maintain, or improve track conditions and classification that will directly and positively impact railroad safety. Activities/costs for these projects should fall into the following categories, although the examples provided in each category are not exhaustive:

- Track Renewal—includes rail and tie replacement, continuous welding or rail surfacing, and the removal and replacement of existing tie plates, spikes, anchors, and other track material.
- Ballast Renewal—includes undercutting, ballast replacement, and tamping.
- Turnout Rehabilitation—includes frog and switch point rehabilitation and replacement or turnout upgrades.
- Drainage Rehabilitation—includes ditch cleaning, re-grading or culvert cleaning, and replacement or drainage upgrades.

Section 4: Application and Submission Information

4.1 Submission Dates and Times

Complete applications must be submitted to Grants.gov no later than 5:00 p.m. EDT on November 4, 2015. Applications received after 5:00 p.m. EDT on November 4, 2015, will not be considered for funding. Accordingly, applicants are strongly encouraged to apply early to ensure that all materials are received before the application deadline.

4.2 Application Content

Required documents for an application package are outlined in the checklist below.

- SF424 (Application for Federal Assistance)
- Project Narrative (see 4.2.1)
- Statement of Work (see 4.2.2)
- FRA's Additional Assurances and Certifications
- Most Recent Section 130 Program Annual State Report (only for grade crossing projects)
- Either: SF 424A—Budget Information for Non-Construction *OR* SF 424C—Budget Information for Construction
- Either: SF 424B—Assurances for Non-Construction *OR* SF 424D—Assurances for Construction

○ SF LLL: Disclosure of Lobbying Activities

Applicants must complete and submit all components of the application package to be considered for funding. FRA has established a grant opportunity Web page at *www.fra.dot.gov/Page/P0021,* which contains application forms and additional application guidance. Additional content requirements for the project narrative and SOW can be found in Sections 4.2.1 and 4.2.2 below.

FRA welcomes the submission of other relevant supporting documentation that the applicant has developed such as planning, National Environmental Policy Act (NEPA) documentation, engineering and design documentation, letters of support, etc. Applications accompanied by completed feasibility studies, environmental determinations, and cost estimates may be more favorably considered during the application review process because they demonstrate an applicant has a greater understanding of the scope and cost of the proposed project. These documents will *not* count against the 25-page limit applied to the project narrative.

4.2.1 Project Narrative. The following seven numeric points describe the minimum content required in the project narrative component of a grant application, and FRA recommends that the project narrative adhere to the following outline. The project narrative may not exceed 25 pages in length (including any supporting tables, maps, drawings, etc.) FRA will not accept applications with project narratives exceeding the 25 page limit. However, the supplementary documents listed in the Section 4.2 above will not count against this limit.

(1) Include a title page that lists the following elements in either a table or formatted list: Project title, location (street or address, zip code, city, county, State, district), type of project (*e.g.,* Grade Crossing Improvement or Track Enhancement), the applicant organization name, and the name of any co-applicants. Provide a brief 4–6 sentence summary of the proposed project, capturing the safety challenges the proposed project aims to address, the intended outcomes, and anticipated benefits that will result from the proposed project. If applicable, the project description must also cite specific National Grade Crossing Inventory information, including the name railroad that owns the infrastructure (or the crossing owner, if different from the railroad), the name of the primary railroad operator, the DOT crossing inventory number, and the name of the roadway at the crossing. Applicants can search for data to meet this requirement at the following link: *http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx.*

(2) Describe *applicant* eligibility per Section 3 of this notice. Provide a single point of contact for the application including: Name, title, phone number, mailing address, and email address. The point of contact must be an employee of the eligible applicant.

(3) Indicate the amount of Federal funding requested from FRA under this NOFA and for this project, the proposed non-Federal match, any other funding amounts, and total project cost. Identify the Federal and matching funding percentages of the total project cost. Applicants must identify source(s) of matching funds, the source(s) of any other Federal funds committed to the project, and any pending Federal requests. Please note, other federal funds may be used to support the project, but may not be considered eligible matching funds for funds awarded under this notice. If applicable, be sure to note if the requested Federal funding must be obligated or expended by a certain date due to dependencies or relationships with other Federal or non-Federal funding sources, related projects, or other factors. Finally, specify whether Federal funding has ever previously been sought for the project and not secured, and name the Federal program and fiscal year from which the funding was requested.

(4) Include a detailed project description that expands upon the brief summary required in item number one of the project narrative section. This detailed description should provide, at a minimum, additional background on: The safety risks and challenges the project aims to address; the amount of crude oil, ethanol, or natural gas transported through the project area; the expected beneficiaries of the project (including any private rail companies); the specific project activities proposed, expected outputs and outcomes of the project; and any other information the applicant deems necessary to justify the proposed project. In describing the project, the application should also clearly explain how the proposed project meets the respective project and cost/activity eligibility criteria for the type of funding requested as outlined in Section 3 of this notice.

(5) Include a thorough discussion of how the project meets all of the evaluation criteria for the respective project type as outlined below in Section 5 of this notice. Applicants should note that FRA reviews applications based upon the evaluation criteria listed. If an application does not sufficiently address the evaluation criteria, it is unlikely to be considered a competitive application. In responding to the criteria, applicants are reminded to clearly identify, quantify, and compare expected safety benefits and costs of proposed projects. FRA understands that the level of detail and sophistication of analysis that should be expected for relatively small projects (*i.e.,* those encouraged to be limited to under $3,000,000 in this notice) is less than for larger, multi-million dollar investments.

(6) Describe proposed project implementation and project management arrangements. Include descriptions of the expected arrangements for project contracting, contract oversight, change-order management, risk management, and conformance to Federal requirements for project progress reporting.

(7) Describe anticipated environmental or historic preservation impacts associated with the proposed project, any environmental or historic preservation analyses that have been prepared, and progress toward completing any environmental documentation or clearance required for the proposed project under NEPA, the National Historic Preservation Act, section 4(f) of the U.S. DOT Act, the Clean Water Act, or other applicable Federal or State laws. Applicants and grantees under FRA's financial assistance programs are encouraged to contact FRA and obtain preliminary direction regarding the appropriate NEPA class of action and required environmental documentation. Generally, projects will be ineligible to receive funding if they have begun construction activities prior to the applicant/grantee receiving written approval from FRA that all environmental and historical analyses have been completed. Additional information regarding FRA's environmental processes and requirements are located at *www.fra.dot.gov/Page/#####.*

4.2.2 Statement of Work. Applicants are required to submit an SOW that addresses the scope, schedule, and budget for the proposed project if it were selected for award. The SOW should contain sufficient detail so that both FRA and the applicant can understand the expected outcomes of the proposed work to be performed and monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. The FRA has developed a standard SOW template that applicants must use to be considered for award.

The SOW templates are located at *www.fra.dot.gov/Page/P0021.*

4.3 Submission Instructions

Applicants must submit all application materials through Grants.gov. For any required or supporting application materials an applicant is unable to submit via Grants.gov (such as oversized engineering drawings), an applicant may submit an original and two copies to Renee Cooper, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 20, Washington, DC 20590. Applicants are advised to use means of rapid conveyance (such as courier service) as the application deadline approaches.

To apply for funding through Grants.gov, applicants must be properly registered. Complete instructions on how to register and submit an application are at Grants.gov. Registering with Grants.gov is a one-time process. However, it can take several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. FRA will not accept applications after the due date.

To apply for funding under this announcement and to apply for funding through Grants.gov, all applicants must:

1. *Acquire a DUNS Number.* A Data Universal Numbering System (DUNS) number is required for Grants.gov registration. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Applicants may obtain a DUNS number by calling 1–866–705–5711 or by applying online at *http://www.dnb.com/us.*

2. *Acquire or Renew Registration with the System for Award Management (SAM) Database.* All applicants for Federal financial assistance must maintain current registrations in the System for Award Management (SAM) database. An applicant must be registered in SAM to successfully register in Grants.gov. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and sub recipients. Organizations that have previously submitted applications via Grants.gov are already registered with SAM, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. Information about SAM registration procedures is available at *www.sam.gov.*

3. *Acquire an Authorized Organization Representative (AOR) and a Grants.gov Username and Password.* Applicants must complete an AOR profile on Grants.gov and create a username and password. Applicants must use the organization's DUNS number to complete this step. Additional information about the registration process is available at *www.grants.gov/applicants/get_registered.jsp.*

4. *Acquire Authorization for your AOR from the E-Business Point of Contact (E-Biz POC).* The Applicant's E-Biz POC must log in to Grants.gov to confirm a representative as an AOR. Please note that there can be more than one AOR at an organization.

5. *Search for the Funding Opportunity on Grants.gov.* The Catalog of Federal Domestic Assistance (CFDA) number for this opportunity is 20.314, titled ''Railroad Development.''

6. *Submit an Application Addressing All of the Requirements Outlined in this Funding Availability Announcement.* After submitting the application through Grants.gov, a confirmation screen will appear on the applicant's computer screen. This screen will confirm that the applicant has submitted an application and provide a tracking number to track the status of the submission. Within 24 to 48 hours after submitting an electronic application, an applicant should receive an email validation message from Grants.gov. The validation message will explain whether the application has been received and validated or rejected, with an explanation. Applicants are urged to submit an application at least 72 hours prior to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

If an applicant experiences difficulties at any point during this process, please call the Grants.gov Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays).

Note: Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading attachments. While applicants may imbed picture files, such as .jpg, .gif, and .bmp, in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

Section 5: Application Review

5.1 Intake and Eligibility

Following the application deadline, FRA will screen all applications for timely submission and completeness. Applications that do not meet the requirements detailed in Section 4 of this notice will be ineligible for funding consideration.

5.2 Evaluation

FRA intends to award funds to projects that achieve the maximum benefits possible given the amount of funding available. FRA will analyze each application for its technical merit using the factors and sub-criteria below.

(1) Technical Merit

○ The application is thorough and responsive to all of the requirements outlined in this notice.

○ The tasks and subtasks outlined in the SOW are appropriate to achieve the expected safety outputs of the proposed project.

○ The proposed costs are realistic and are sufficient to accomplish the tasks documented in the SOW.

○ The appropriate partnerships and financing are in place to complete the proposed project.

(2) Project Benefits

○ The application contains supportable data to describe the safety risk that currently exists if the proposed project is not completed, including clear data regarding the energy products transported through the proposed project site.

○ The applicant describes the expected safety benefit of the project, making a reasonable link between that benefit and the proposed activities of the project.

○ The relative impact of the proposed safety improvement (*i.e.,* does the safety benefit have a significant impact on a given community, rail line, etc.).

○ Information provided by the applicant that demonstrates the merit of investing in the proposed project using a benefit cost analysis that is systematic, data driven, and examines the trade-offs between projects costs and their

expected safety benefit. Applicants should note if other, alternative investments were considered for submission under this notice using a similar benefit-cost analysis approach. Applicants are strongly encouraged to use Executive Order 12839 (Principles for Federal Infrastructure Investments, 59 FR 4233), OBM Circular A–94 (Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs), and Office of Management and Budget (OMB) Circular A–4 (Regulatory Analysis) to conduct this analysis.

5.3 Selection

In addition to the evaluation criteria outlined in Section 5.2 above, the FRA Administrator may apply any or all of the following selection criteria to further ensure the projects selected for funding advance FRA and DOT's current mission and key priorities, as well as to ensure the projects selected are appropriate in a national context.

(1) Alignment with DOT Strategic Goals and Priorities:

○ Improving transportation safety;

○ Maintaining infrastructure in a state of good repair;

○ Promoting economic competitiveness;

○ Advancing environmentally sustainable transportation policies;

○ Furthering the six ''Livability Principles'' DOT developed with the Department of Housing and Urban Development and the Environmental Protection Agency as part of the Partnership for Sustainable Communities;

○ Enhancing quality of life; and/or

○ Building ladders of opportunity to expand the middle class.

(2) Project Delivery Performance:

○ The applicant's track record in successfully delivering previous FRA and DOT grants on time, on budget, and for the full intended scope; and/or

○ The extent to which the proposed project complements previous FRA or DOT awards.

(3) Region/Location

○ The extent to which the proposed project increases the economic productivity of land, capital, or labor at specific locations, particularly in economically distressed areas;

○ Ensuring appropriate level of regional balance across the country; and/or

○ Ensuring consistency with national transportation and rail network objectives.

(4) Innovation/Resource Development:

○ Pursuing new rail technologies, including grade crossing safety-improvement technology, that result in favorable public return on investment and ensure delivery of project benefits;

○ Promoting innovations that demonstrate the value of new approaches to, safety management, as well as contracting, project delivery, etc.; and/or

○ Promoting domestic manufacturing, supply, and industrial development.

(5) Partnerships:

○ For projects that span multiple jurisdictions (States or local governments), emphasizing those that have organized multi-jurisdictional partnerships with joint planning and prioritization of investments;

○ Strengthening human capital and workforce opportunities, particularly for low-income workers or for people in economically distressed areas;

○ Employing creative approaches to ensure workforce diversity and use of disadvantaged and minority business enterprises, including opportunities for small businesses and disadvantaged business enterprises, including veteran-owned small businesses and service-disabled veteran-owned small businesses; and/or

○ Engaging local communities and other stakeholder groups in the project in a way that offers an opportunity for meaningful engagement in the process.

(6) Project Readiness:

○ Applicant progress, if any, in reaching compliance with the NEPA for the proposed project. Note that NEPA related work or a NEPA decision (*e.g.,* a Record of Decision, Finding of No Significant Impact, Categorical Exclusion determination) is not required to apply for funding under this program;

○ The extent to which proposed project is consistent with an adopted State-wide transportation or rail plan;

○ The level of detail provided in the submitted Statement of Work, including whether there is enough information to immediately advance the proposed project to award;

○ The level and degree to which the proposed project is dependent on other non-FRA financial contributions and the extent to which these contributions are secure; and/or

○ Whether there are engineering materials developed and submitted to FRA or materials partially developed that may be available to FRA in the near future to assess the proposed project's design and constructability risks.

(7) Passenger Rail Impact:

○ Proposed projects that improve rail lines over which both passengers and energy products travel.

Section 6: Federal Award Administration

Applications selected for funding will be announced after the application review period. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. Notification of a selected application is not an authorization to begin proposed project activities. A formal Notice of Grant Agreement signed by both the grantee and the FRA and containing an approved scope, schedule, and budget, is required before the award is considered complete.

The period of performance for grants awarded under this notice is dependent upon the project and will be determined on a grant-by-grant basis. FRA will only consider written requests to FRA to extend the period of performance with specific and compelling justifications for why an extension is required. Any obligated funding not spent by the grantee and reimbursed by the FRA upon completion of the grant will be deobligated.

FRA will make awards for projects selected under this notice through cooperative agreements. Cooperative agreements allow for substantial Federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight under 2 CFR part 200, appendix I. The funding provided under these cooperative agreements will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA. Additionally, the grantee must expend matching funds at the required percentage alongside Federal funds throughout the life of the project.

6.1 Administrative and National Policy Requirements

Grantees and entities receiving funding from the grantee (sub-recipients), must comply with all applicable laws and regulations. A non-exclusive list of administrative and national policy requirements that grantees must follow includes: 2 CFR part 200; procurement standards; compliance with Federal civil rights laws and regulations; disadvantaged business enterprises; debarment and suspension; drug-free workplace; FRA's and OMB's Assurances and Certifications; Americans with Disabilities Act; and labor standards, safety oversight, environmental

protection, NEPA, environmental justice, and Buy American (41 U.S.C. 8302) provisions.

6.2 General Requirements

The grantee must comply with all post-award reporting, auditing, monitoring, and close-out requirements, as described at *www.fra.dot.gov/Page/P0021.*

Section 7: Federal Awarding Agency Contact

For further information regarding this notice and the grants program, please contact John Winkle, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 20, Washington, DC 20590; Email: *john.winkle@dot.gov;* Phone: (202) 493–6067; Fax: (202) 493–6333.

Authority: Pub. L. 113–235, sec. 153, Division K, Title I, 128 Stat. 2130, 2718.

Issued in Washington, DC on August 31, 2015.

David Valenstein,

Division Chief.

[FR Doc. 2015–21960 Filed 9–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

Commission on Care; Notice of Meeting

In accordance with the Federal Advisory Committee Act, 5 U.S.C., App. 2, the Commission on Care gives notice that it will meet on Monday, September 21 and Tuesday, September 22 at 1575 I Street NW., Washington, DC, ASAE Conference Center. The meeting will convene at 8:30 a.m. and end at 5:30 p.m. on September 21, and at 8:30 a.m. and end at 12:00 p.m. on September 22. The meeting is open to the public. Anyone attending must show a valid photo ID to building security and be escorted to the meeting. Please allow 15 minutes before the meeting begins for this process.

The purpose of the Commission, as described in section 202 of the Veterans Access, Choice, and Accountability Act of 2014 (VACAA), is to examine the access of Veterans to health care from the Department of Veterans Affairs (VA) and strategically examine how best to organize the Veterans Health Administration (VHA), locate health care resources, and deliver health care to Veterans during the next 20 years. In undertaking this assessment, the Commission will evaluate and assess the results of the Independent Assessment conducted by CMS Alliance to Modernize Healthcare in accordance with section 201 of VACAA.

On September 21, the Commission will hear from VA leadership and the CMS Alliance to Modernize Healthcare. CMS Alliance to Modernize Healthcare will provide an overview of the Independent Assessment it conducted in accordance with section 201. On September 22, the Commission will reconvene with a continued dialogue with CMS Alliance to Modernize Healthcare and a presentation by VHA.

No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Commission's review to Sharon Gilles, Designated Federal Officer, Commission on Care, 1575 I (Eye) Street NW., Suite 240, Washington, DC 20005, or email at *sharon.gilles@va.gov.* Any member of the public wanting to attend may contact Ms. Gilles.

Dated: September 1, 2015.

Sharon Gilles,

Designated Federal Officer, Commission on Care.

[FR Doc. 2015–21974 Filed 9–3–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Geriatrics and Gerontology Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Geriatrics and Gerontology Advisory Committee will be held on September 29–30, 2015, via teleconference at 1–800–767–1750 Access Code 57526. On September 29, the session will begin at 2:00 p.m. Eastern and end at 4:30 p.m. On September 30, the session will begin at 11 a.m. Eastern and end at 1:45 p.m. This meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of VA and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology. The Committee assesses the capability of VA health care facilities and programs to meet the medical, psychological, and social needs of older Veterans and evaluates VA programs designated as Geriatric Research, Education, and Clinical Centers.

The meeting will feature presentations and discussions on VA's geriatrics and extended care programs, aging research activities, updates on VA's employee staff working in the area of geriatrics (to include training, recruitment and retention approaches), Veterans Health Administration (VHA) strategic planning activities in geriatrics and extended care, recent VHA efforts regarding dementia and program advances in palliative care, and performance and oversight of VA Geriatric Research, Education, and Clinical Centers.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Mrs. Marcia Holt-Delaney, Program Analyst, Geriatrics and Extended Care Services (10P4G), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or via email at *Marcia.Holt-Delaney@va.gov.* Individuals who wish to dial into the meeting should contact Mrs. Holt-Delaney at (202) 461–6769.

Dated: September 1, 2015.

Rebecca Schiller,

Committee Management Officer.

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Eastern Mediterranean Sea, November to December, 2015; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE125

Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Eastern Mediterranean Sea, November to December, 2015

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from the Lamont-Doherty Earth Observatory (Lamont-Doherty) in collaboration with the National Science Foundation (NSF), for an Incidental Harassment Authorization (Authorization) to take marine mammals, by harassment only, incidental to conducting a marine geophysical (seismic) survey in the eastern Mediterranean Sea, mid-November through December, 2015. The proposed dates for this action would be mid-November 2015 through December 31, 2015, to account for minor deviations due to logistics and weather. Per the Marine Mammal Protection Act, we are requesting comments on our proposal to issue an Authorization to Lamont-Doherty to incidentally take, by Level B harassment, of 22 species of marine mammals during the specified activity and to incidentally take by Level A harassment, of four species of marine mammals. Although considered unlikely, any Level A harassment potentially incurred would be expected to be in the form of some smaller degree of permanent hearing loss due in part to the required monitoring measures for detecting marine mammals and required mitigation measures for power downs or shut downs of the airgun array if any animal is likely to enter the Level A exclusion zone. Neither mortality nor complete deafness of marine mammals are expected to result from this survey.

DATES: NMFS must receive comments and information on or before October 4, 2015.

ADDRESSES: Address comments on the application to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Cody@noaa.gov*. Please include 0648–XE125 in the subject line. Comments sent via email to *ITP.Cody@noaa.gov*, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for email comments sent to addresses other than the one provided here.

Instructions: All submitted comments are a part of the public record, and NMFS will post them to *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

To obtain an electronic copy of the application containing a list of the references used in this document, write to the previously mentioned address, telephone the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visit the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm*.

NSF has prepared a draft Environmental Analysis in accordance with Executive Order 12114, ''Environmental Effects Abroad of Major Federal Actions'' for their proposed federal action. The draft environmental analysis titled ''Draft Environmental Analysis of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Eastern Mediterranean Sea, November–December 2015,'' prepared by LGL, Ltd. environmental research associates, on behalf of NSF and Lamont-Doherty is available at the same internet address. Information in the Lamont-Doherty's application, NSF's draft environmental analysis, and this notice collectively provide the environmental information related to the proposed issuance of the Authorization for public review and comment.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, NMFS, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

An Authorization shall be granted for the incidental taking of small numbers of marine mammals if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The Authorization must also set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (*i.e.,* mitigation); and requirements pertaining to the monitoring and reporting of such taking. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On April 20, 2015, NMFS received an application from Lamont-Doherty requesting that NMFS issue an Authorization for the take of marine mammals, incidental to the University of Oregon conducting a seismic survey in the eastern Mediterranean Sea October through November 2015. Following the initial application submission, Lamont-Doherty submitted a revised application with new dates for the proposed survey (approximately mid-November through December, 2015). NMFS considered the revised application adequate and complete on August 25, 2015.

The proposed survey would take place partially within Greece's territorial seas (less than 6 nautical miles (nmi) [11 km; 7 mi] from the shore) and partially in the high seas. However, NMFS cannot authorize the incidental take of marine mammals in the territorial seas of foreign nations, as the MMPA does not apply in those

waters. However, NMFS still needs to calculate the level of incidental take in the entire activity area (territorial seas and high seas) as part of the analysis supporting our preliminary determination under the MMPA that the activity will have a negligible impact on the affected species.

Lamont-Doherty proposes to conduct a high-energy, seismic survey on the R/V *Marcus G. Langseth* (*Langseth*), a vessel owned by NSF and operated on its behalf by Columbia University's Lamont-Doherty in the eastern Mediterranean Sea for approximately 16 days from approximately mid-November 2015, through mid-December 2015. The following specific aspect of the proposed activity has the potential to take marine mammals: Increased underwater sound generated during the operation of the seismic airgun arrays. We anticipate that take, by Level B harassment, of 22 species of marine mammals could result from the specified activity. Although the unlikely, NMFS also anticipates that a small level of take by Level A harassment of four species of marine mammals could occur during the proposed survey.

Description of the Specified Activity

Overview

Lamont-Doherty plans to use one source vessel, the *Langseth,* an array of 36 airguns as the energy source, a receiving system of 93 ocean bottom seismometers (OBSs) for the northern portion of the proposed survey and a single 8-kilometer (km) hydrophone streamer for the southern portion of the proposed survey. In addition to the operations of the airguns, Lamont-Doherty intends to operate a multibeam echosounder and a sub-bottom profiler on the *Langseth* continuously throughout the proposed survey. However, Lamont-Doherty will not operate the multibeam echosounder and sub-bottom profiler during transits to and from the survey areas (*i.e.,* when the airguns are not operating).

The purpose of the survey is to collect and analyze seismic refraction data on and around the island of Santorini (Thira) to examine the crustal magma plumbing of the Santorini volcanic system. NMFS refers the public to Lamont-Doherty's application (see page 2) for more detailed information on the proposed research objectives.

Dates and Duration

Lamont-Doherty proposes to conduct the seismic survey for approximately 30 days which includes approximately 16 days of seismic surveying, 11 days for OBS deployment/retrieval, and 1 day of hydrophone streamer deployment. The proposed study (*e.g.,* equipment testing, startup, line changes, repeat coverage of any areas, and equipment recovery) would include approximately 384 hours of airgun operations (*i.e.,* 16 days over 24 hours). Some minor deviation from Lamont-Doherty's requested dates of mid-November through December 2015 is possible, depending on logistics, weather conditions, and the need to repeat some lines if data quality is substandard. Thus, the proposed Authorization, if issued, would be effective from mid-November through December 31, 2015.

NMFS refers the reader to the Detailed Description of Activities section later in this notice for more information on the scope of the proposed activities.

Specified Geographic Region

Lamont-Doherty proposes to conduct one portion of the proposed seismic survey in the Aegean Sea, located approximately between 36.1–36.8° N. and 24.7–26.1° E. in the eastern Mediterranean Sea (see Figure 1). Water depths in the Aegean Sea survey area are approximately 20 to 500 meters (m) (66 to 1,640 feet (ft)). Lamont-Doherty would conduct the second portion of the proposed seismic survey over the Hellenic subduction zone which starts in the Aegean Sea at approximately 36.4° N., 23.9° E. and runs to the southwest, ending at approximately 34.9° N., 22.6° E. Water depths in that area range from 1,000 to 3,000 m (3,280 to 9,843 ft). Lamont-Doherty would conduct the proposed seismic survey within the Exclusive Economic Zone (EEZ) and territorial waters of Greece. Greece's territorial seas extend out to six nautical miles (nmi) (7 miles [mi]; 11 kilometers [km]).

Principal and Collaborating Investigators

The proposed survey's principal investigators are Drs. E. Hooft and D. Toomey (University of Oregon). The Santorini portion of the study also involves international collaboration with Dr. P. Nomikou (University of Athens) who would be on board during the entire seismic survey.

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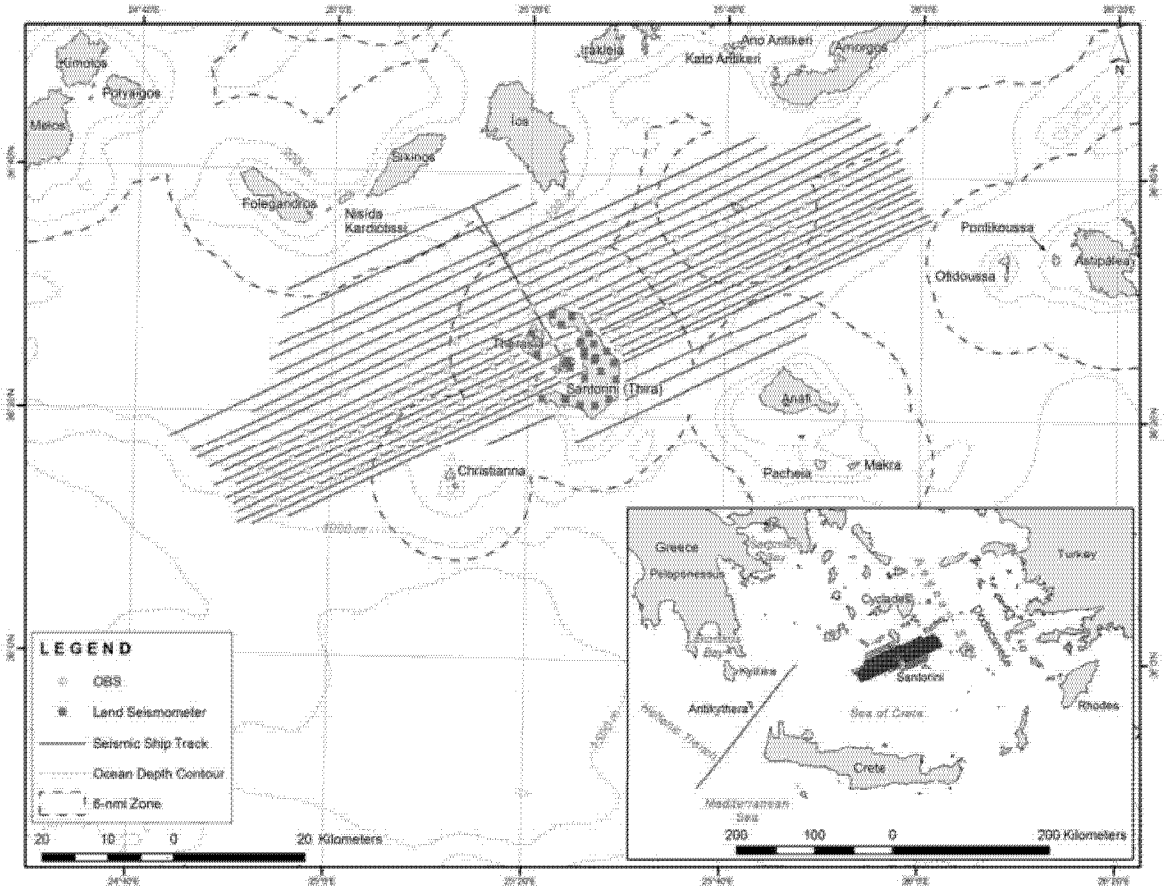
Figure 1. Location of the proposed seismic survey in the Eastern Mediterranean, November through December, 2015.



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Detailed Description of the Specified Activities

Transit Activities

The *Langseth* would depart from New York, NY, and transit for approximately three weeks to Greece. The *Langseth* would depart from Piraieus, Greece in mid-November 2015 and spend one day in transit to the proposed survey areas. At the conclusion of the survey, the *Langseth* would arrive at Iraklio, Crete. Some minor deviation from these dates is possible, depending on logistics and weather.

Vessel Specifications

The survey would involve one source vessel, the R/V *Langseth.* The *Langseth,* owned by the Foundation and operated by Lamont-Doherty, is a seismic research vessel with a quiet propulsion system that avoids interference with the seismic signals emanating from the airgun array. The vessel is 71.5 m (235 ft) long; has a beam of 17.0 m (56 ft); a maximum draft of 5.9 m (19 ft); and a gross tonnage of 3,834 pounds. It has two 3,550 horsepower (hp) Bergen BRG–6 diesel engines which drive two propellers. Each propeller has four blades and the shaft typically rotates at 750 revolutions per minute. The vessel also has an 800-hp bowthruster, which is off during seismic acquisition.

The *Langseth's* speed during seismic operations would be approximately 4.5 knots (kt) (8.3 km/hour (hr); 5.1 miles per hour (mph)). The vessel's cruising speed outside of seismic operations is approximately 10 kt (18.5 km/hr; 11.5 mph). While the *Langseth* tows the airgun array, its turning rate is limited to five degrees per minute. Thus, the *Langseth's* maneuverability is limited during operations while it tows the streamers.

The vessel also has an observation tower from which protected species visual observers (observers) would watch for marine mammals before and during the proposed seismic acquisition operations. When stationed on the observation platform, the observer's eye level will be approximately 21.5 m (71 ft) above sea level providing the observer an unobstructed view around the entire vessel.

Data Acquisition Activities

The proposed survey would cover a total of approximately 2,140 km (1,330 mi) of transect lines (1,936 km [1,203 mi] of transect lines for the Aegean Sea leg plus approximately 204 km [127 mi] of transect lines for the Hellenic subduction zone leg). For the Aegean Sea leg portion of the proposed survey, the parallel transect lines have a spacing interval that ranges from 1.4 to 4.5 km (0.9 to 2.8 mi). The Hellenic subduction zone leg of the proposed survey is one continuous transect line with no transect line overlap.

During the survey, the *Langseth* would deploy 36 airguns as an energy source with a total volume of 6,600 cubic inches (in^3). The receiving system would consist of 93 OBSs for the Aegean Sea leg of the proposed survey and a single 8-km (5-mi) hydrophone streamer for the Hellenic subduction zone leg of the proposed survey. As the

Langseth tows the airgun array along the survey lines, the OBSs and hydrophone streamer would receive the returning acoustic signals and transfer the data to the on-board processing system.

Seismic Airguns

The airguns are a mixture of Bolt 1500LL and Bolt 1900LLX airguns ranging in size from 40 to 220 in^3, with a firing pressure of 1,950 pounds per square inch. The dominant frequency components range from zero to 188 Hertz (Hz).

During the survey, Lamont-Doherty would plan to use the full array with most of the airguns in inactive mode. The *Langseth* would tow the array at a depth of either 9 or 12 m (29.5 or 39.4 ft) resulting in a shot interval range of approximately 35 to 170 seconds (s) (approximately 80 to 390 m; 262 to 1,280 ft) for the Aegean Sea leg and a shot interval of approximately 22 s (50 m; 164 ft) for the Hellenic subduction zone leg of the proposed survey. During acquisition the airguns will emit a brief (approximately 0.1 s) pulse of sound. During the intervening periods of operations, the airguns are silent.

Airguns function by venting high-pressure air into the water which creates an air bubble. The pressure signature of an individual airgun consists of a sharp rise and then fall in pressure, followed by several positive and negative pressure excursions caused by the oscillation of the resulting air bubble. The oscillation of the air bubble transmits sounds downward through the seafloor, and there is also a reduction in the amount of sound transmitted in the near horizontal direction. The airgun array also emits sounds that travel horizontally toward non-target areas.

The nominal source levels of the airgun subarrays on the *Langseth* range from 240 to 247 decibels (dB) re: 1 μPa (peak to peak). (We express sound pressure level as the ratio of a measured sound pressure and a reference pressure level. The commonly used unit for sound pressure is dB and the commonly used reference pressure level in underwater acoustics is 1 microPascal (μPa)). Briefly, the effective source levels for horizontal propagation are lower than source levels for downward propagation. We refer the reader to Lamont-Doherty's Authorization application and NSF's Environmental Analysis for additional information on downward and horizontal sound propagation related to the airgun's source levels.

Additional Acoustic Data Acquisition Systems

Multibeam Echosounder: The *Langseth* will operate a Kongsberg EM 122 multibeam echosounder concurrently during airgun operations to map characteristics of the ocean floor. However, as stated earlier, Lamont-Doherty will not operate the multibeam echosounder during transits to and from the survey areas (*i.e.,* when the airguns are not operating).

The hull-mounted echosounder emits brief pulses of sound (also called a ping) (10.5 to 13.0 kHz) in a fan-shaped beam that extends downward and to the sides of the ship. The transmitting beamwidth is 1 or 2° fore-aft and 150° athwartship and the maximum source level is 242 dB re: 1 μPa.

Each ping consists of eight (in water greater than 1,000 m; 3,280 ft) or four (in water less than 1,000 m; 3,280 ft) successive, fan-shaped transmissions, from two to 15 milliseconds (ms) in duration and each ensonifying a sector that extends 1° fore-aft. Continuous wave pulses increase from 2 to 15 ms long in water depths up to 2,600 m (8,530 ft). The echosounder uses frequency-modulated chirp pulses up to 100-ms long in water greater than 2,600 m (8,530 ft). The successive transmissions span an overall cross-track angular extent of about 150°, with 2-ms gaps between the pulses for successive sectors.

Sub-bottom Profiler: The *Langseth* will also operate a Knudsen Chirp 3260 sub-bottom profiler concurrently during airgun and echosounder operations to provide information about the sedimentary features and bottom topography. As with the case of the echosounder, Lamont-Doherty will not operate the sub-bottom profiler during transits to and from the survey areas (*i.e.,* when the airguns are not operating).

The profiler is capable of reaching depths of 10,000 m (6.2 mi). The dominant frequency component is 3.5 kHz and a hull-mounted transducer on the vessel directs the beam downward in a 27° cone. The power output is 10 kilowatts (kW), but the actual maximum radiated power is three kilowatts or 222 dB re: 1 μPa. The ping duration is up to 64 ms with a pulse interval of one second, but a common mode of operation is to broadcast five pulses at 1-s intervals followed by a 5-s pause.

Ocean Bottom Seismometers: The *Langseth* would deploy a total of 93 OBSs on the sea floor at the beginning of the proposed survey in the Aegean Sea and then recover the instruments at the conclusion of the proposed survey.

Each seismometer is approximately 0.9 m (2.9 ft) high with a maximum diameter of 97 centimeters (cm) (3.1 ft). An anchor, made of a rolled steel bar grate which measures approximately 7 by 91 by 91.5 cm (3 by 36 by 36 inches) and weighs 45 kilograms (99 pounds) would anchor the seismometer to the seafloor.

After the *Langseth* completes the proposed seismic survey, an acoustic signal would trigger the release of each of the 46 seismometers from the ocean floor. The *Langseth's* acoustic release transponder, located on the vessel, communicates with the seismometer at a frequency of 9 to13 kilohertz (kHz). The maximum source level of the release signal is 242 dB re: 1 μPa with an 8-millisecond pulse length. The received signal activates the seismometer's double burn-wire release assembly which then releases the seismometer from the anchor. The seismometer then floats to the ocean surface for retrieval by the *Langseth.* The steel grate anchors from each of the seismometers would remain on the seafloor.

The *Langseth* crew would deploy the seismometers one-by-one from the stern of the vessel while onboard protected species observers will alert them to the presence of marine mammals and recommend ceasing deploying or recovering the seismometers to avoid potential entanglement with marine mammal.

Description of Marine Mammals in the Area of the Specified Activity

Table 1 in this notice provides the following: All marine mammal species with possible or confirmed occurrence in the proposed activity area; information on those species' regulatory status under the MMPA and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the proposed activity area.

Lamont-Doherty presented species information in Table 2 of their application but excluded information for certain pinniped and cetacean species because they anticipated that these species would have a low likelihood of occurring in the survey area. Based on the best available information, NMFS expects that there may be a potential for certain cetacean and pinniped species to occur within the survey area (*i.e.,* potentially be taken) and have included additional information for these species in Table 1 of this notice. NMFS will carry forward analyses on the species listed in Table 1 later in this document.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY OCCUR IN THE PROPOSED SURVEY AREAS WITHIN THE EASTERN MEDITERRANEAN SEA

[November through December, 2015]

Species	Stock name	Regulatory status [1] [2]	Stock/ species abundance [3]	Local occurrence and range [4]	Season [5]
Gray whale (*Eschrichtius robustus*)	Eastern North Pacific	MMPA–NC, ESA–EN	[6] 19,126	Visitor Extralimital	Spring.[7]
Humpback whale (*Megaptera novaeangliae*).	North Atlantic	MMPA–D, ESA–EN	[8] 11,570	Visitor Extralimital	NA.
Common minke whale (*Balaenoptera acutorostrata*).	Canadian East Coast	MMPA–D, ESA–NL	20,741	Visitor Extralimital	NA.
Sei whale (*Balaenoptera borealis*)	Nova Scotia	MMPA–D, ESA–EN	357	Vagrant Pelagic	NA.
Fin whale (*Balaenoptera physalus*)	Mediterranean	MMPA–D, ESA–EN	[9] 5,000	Present Pelagic	Summer.
Sperm whale (*Physeter macrocephalus*).	Mediterranean	MMPA–D, ESA–EN	[10] 2,500	Regular Pelagic/ Slope.	Year-round.
Dwarf sperm whale (*Kogia sima*)	Western North Atlantic	MMPA–NC, ESA–NL	3,785	Vagrant Shelf	NA.
Pygmy sperm whale (*K. breviceps*)	Western North Atlantic	MMPA–NC, ESA–NL	3,785	Vagrant Shelf	NA.
Cuvier's beaked whale (*Ziphius cavirostris*).	Western North Atlantic	MMPA–NC, ESA–NL	6,532	Regular/Present Slope.	Year-round.
Blainville's beaked whale (*Mesoplodon densirostris*).	Western North Atlantic	MMPA–NC, ESA–NL	[11] 7,092	Vagrant Slope	NA.
Gervais' beaked whale (*M. europaeus*)	Western North Atlantic	MMPA–NC, ESA–NL	[11] 7,092	Vagrant Extralimital	NA.
Sowerby's beaked whale (*M. bidens*)	Western North Atlantic	MMPA–NC, ESA–NL	[11] 7,092	Vagrant Extralimital	NA.
Bottlenose dolphin (*Tursiops truncatus*)	Western North Atlantic	MMPA–NC, ESA–NL	77,532	Regular/Present Coastal.	Year-round.
Rough-toothed dolphin (*Steno bredanensis*).	Western North Atlantic	MMPA–NC, ESA–NL	271	Visitor Pelagic	NA.
Striped dolphin (*S. coeruleoalba*)	Mediterranean	MMPA–NC, ESA–NL	[12] 233,584	Regular Pelagic	Year-round.
Short-beaked common dolphin (*Delphinus delphis*).	Western North Atlantic	MMPA–NC, ESA–NL	173,486	Present Coastal/ Pelagic.	Spring Summer.
Risso's dolphin (*Grampus griseus*)	Western North Atlantic	MMPA–NC, ESA–NL	18,250	Present Pelagic/ Slope.	NA.
False killer whale (*Pseudorca crassidens*).	Western North Atlantic	MMPA–NC, ESA–NL	442	Visitor Pelagic	NA.
Long-finned pilot whale (*Globicephala melas*).	Western Mediterranean.	MMPA–NC, ESA–NL	[13] 240–270	Rare or Absent Pelagic.	NA.
Harbor porpoise (*Phocoena phocoena*)	Gulf of Maine/Bay of Fundy.	MMPA–NC, ESA–NL	79,883	Vagrant Coastal	NA.
Hooded seal (*Cystophora cristata*)	Western North Atlantic	MMPA–NC, ESA–NL	Unknown	Vagrant Pelagic/ Pack Ice.	NA.
Monk seal (*Monachus Monachus*)	Mediterranean	MMPA–D, ESA–EN	[14] 341	Present Coastal	Year-round.

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] Except where noted abundance information obtained from NOAA Technical Memorandum NMFS–NE–228, U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013 (Waring *et al.,* 2014) and the Draft 2014 U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (*in review,* 2015).
[4] For most species, occurrence and range information based on *The Status and Distribution of Cetaceans in the Black Sea and Mediterranean Sea* (Reeves and Notarbartolo di Sciara, 2006). Gray whale and hooded seal presence based on sighting reports.
[5] NA = Not available. Seasonality is not available due to limited information on that species' rare or unlikely occurrence in proposed survey area.
[6] NOAA Technical Memorandum NMFS–SWFSC–532, U.S. Pacific Marine Mammal Stock Assessments—2013 (Carretta *et al.,* 2014).
[7] Scheinin *et. al.,* 2011.
[8] Stevick *et al.,* 2003.
[9] Panigada *et al.* (2012). IUCN—*Balaenoptera physalus* (Mediterranean subpopulation).
[10] Notarbartolo di Sciara, *et a*l. (2012). IUCN—*Physeter macrocephalus* (Mediterranean subpopulation).
[11] Undifferentiated beaked whales abundance estimate for the Atlantic Ocean (Waring *et al.,* 2014).
[12] Forcada and Hammond (1998) for the western Mediterranean plus Gómez de Segura *et al.* (2006) for the central Spanish Mediterranean.
[13] Estimate for the western Mediterranean Sea (Reeves and Notarbartolo di Sciara, 2006).
[14] Rapid Assessment Survey of the Mediterranean monk seal *Monachus monachus* population in Anafi island, Cyclades (MOm, 2014) and UNEP. (2013) Draft Regional Strategy for the Conservation of Monk Seals in the Mediterranean (2014–2019) for Greece, Turkey, and Cyprus breeding areas.

NMFS refers the public to Lamont-Doherty's application, NSF's draft environmental analysis (see **ADDRESSES**), NOAA Technical Memorandum NMFS–NE–228, U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013 (Waring *et al.,* 2014); and the Draft 2014 U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (*in review,* 2015) available online at: *http://www.nmfs.noaa.gov/pr/sars/species.htm* for further information on the biology and local distribution of these species.

Potential Effects of the Specified Activities on Marine Mammals

This section includes a summary and discussion of the ways that components (*e.g.,* seismic airgun operations, vessel movement) of the specified activity may impact marine mammals. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that NMFS expects to be taken by this activity. The ''Negligible Impact Analysis'' section will include the

analysis of how this specific proposed activity would impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Proposed Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

NMFS intends to provide a background of potential effects of Lamont-Doherty's activities in this section. This section does not consider the specific manner in which Lamont-Doherty would carry out the proposed activity, what mitigation measures Lamont-Doherty would implement, and how either of those would shape the anticipated impacts from this specific activity. Operating active acoustic sources, such as airgun arrays, has the potential for adverse effects on marine mammals. The majority of anticipated impacts would be from the use of the airgun array.

Acoustic Impacts

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Southall *et al.,* 1997; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Southall *et al.* (2007) designated ''functional hearing groups'' for marine mammals based on available behavioral data; audiograms derived from auditory evoked potentials; anatomical modeling; and other data. Southall *et al.* (2007) also estimated the lower and upper frequencies of functional hearing for each group. However, animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range.

The functional groups applicable to this proposed survey and the associated frequencies are:

- Low frequency cetaceans (13 species of mysticetes): Functional hearing estimates occur between approximately 7 Hertz (Hz) and 25 kHz (extended from 22 kHz based on data indicating that some mysticetes can hear above 22 kHz; Au *et al.,* 2006; Lucifredi and Stein, 2007; Ketten and Mountain, 2009; Tubelli *et al.,* 2012);
- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): Functional hearing estimates occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (eight species of true porpoises, six species of river dolphins, *Kogia,* the franciscana, and four species of *cephalorhynchids*): functional hearing estimates occur between approximately 200 Hz and 180 kHz; and
- Pinnipeds in water: Phocid (true seals) functional hearing estimates occur between approximately 75 Hz and 100 kHz (Hemila *et al.,* 2006; Mulsow *et al.,* 2011; Reichmuth *et al.,* 2013) and otariid (seals and sea lions) functional hearing estimates occur between approximately 100 Hz to 40 kHz.

As mentioned previously in this document, 33 marine mammal species (6 mysticetes, 24 odontocetes, and 3 pinnipeds) would likely occur in the proposed action area. Table 2 presents the classification of these 33 species into their respective functional hearing group. NMFS consider a species' functional hearing group when analyzing the effects of exposure to sound on marine mammals.

TABLE 2—CLASSIFICATION OF MARINE MAMMALS COULD POTENTIALLY OCCUR IN THE PROPOSED SURVEY AREAS WITHIN THE EASTERN MEDITERRANEAN SEA (NOVEMBER THROUGH DECEMBER, 2015) BY FUNCTIONAL HEARING GROUP (SOUTHALL *et al.*, 2007)

Low Frequency Hearing Range	Gray, humpback, common minke, sei, and fin whale.
Mid-Frequency Hearing Range	Sperm whale, Blainville's beaked whale, Cuvier's beaked whale, Gervais' beaked whale, Sowerby's beaked whale, false killer whale, bottlenose dolphin, striped dolphin, short-beaked common dolphin, Risso's dolphin, and long-finned pilot whale.
High Frequency Hearing Range	Dwarf sperm whale, pygmy sperm whale, and harbor porpoise.
Pinnipeds in Water Hearing Range	Mediterranean monk seal and hooded seal.

1. Potential Effects of Airgun Sounds on Marine Mammals

The effects of sounds from airgun operations might include one or more of the following: Tolerance, masking of natural sounds, behavioral disturbance, temporary or permanent impairment, or non-auditory physical or physiological effects (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The effects of noise on marine mammals are highly variable, often depending on species and contextual factors (based on Richardson *et al.,* 1995).

Tolerance

Studies on marine mammals' tolerance to sound in the natural environment are relatively rare. Richardson *et al.* (1995) defined tolerance as the occurrence of marine mammals in areas where they are exposed to human activities or manmade noise. In many cases, tolerance develops by the animal habituating to the stimulus (*i.e.,* the gradual waning of responses to a repeated or ongoing stimulus) (Richardson, *et al.,* 1995), but because of ecological or physiological requirements, many marine animals may need to remain in areas where they are exposed to chronic stimuli (Richardson, *et al.,* 1995).

Numerous studies have shown that pulsed sounds from airguns are often readily detectable in the water at distances of many kilometers. Several studies have also shown that marine mammals at distances of more than a few kilometers from operating seismic vessels often show no apparent response. That is often true even in cases when the pulsed sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of the marine mammal group. Although various baleen whales and toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to airgun pulses under some conditions, at other times marine mammals of all three types have shown no overt reactions (Stone, 2003; Stone and Tasker, 2006; Moulton *et al.* 2005, 2006) and (MacLean and Koski, 2005; Bain and Williams, 2006).

Weir (2008) observed marine mammal responses to seismic pulses from a 24 airgun array firing a total volume of either 5,085 in^3 or 3,147 in^3 in Angolan waters between August 2004 and May 2005. Weir (2008) recorded a total of 207 sightings of humpback whales (n =

66), sperm whales (n = 124), and Atlantic spotted dolphins (n = 17) and reported that there were no significant differences in encounter rates (sightings per hour) for humpback and sperm whales according to the airgun array's operational status (*i.e.,* active versus silent).

Bain and Williams (2006) examined the effects of a large airgun array (maximum total discharge volume of 1,100 in^3) on six species in shallow waters off British Columbia and Washington: Harbor seal, California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), gray whale (*Eschrichtius robustus*), Dall's porpoise (*Phocoenoides dalli*), and harbor porpoise. Harbor porpoises showed reactions at received levels less than 155 dB re: 1 µPa at a distance of greater than 70 km (43 mi) from the seismic source (Bain and Williams, 2006). However, the tendency for greater responsiveness by harbor porpoise is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson, *et al.,* 1995; Southall, *et al.,* 2007). In contrast, the authors reported that gray whales seemed to tolerate exposures to sound up to approximately 170 dB re: 1 µPa (Bain and Williams, 2006) and Dall's porpoises occupied and tolerated areas receiving exposures of 170–180 dB re: 1 µPa (Bain and Williams, 2006; Parsons, *et al.,* 2009). The authors observed several gray whales that moved away from the airguns toward deeper water where sound levels were higher due to propagation effects resulting in higher noise exposures (Bain and Williams, 2006). However, it is unclear whether their movements reflected a response to the sounds (Bain and Williams, 2006). Thus, the authors surmised that the lack of gray whale responses to higher received sound levels were ambiguous at best because one expects the species to be the most sensitive to the low-frequency sound emanating from the airguns (Bain and Williams, 2006).

Pirotta *et al.* (2014) observed short-term responses of harbor porpoises to a two-dimensional (2–D) seismic survey in an enclosed bay in northeast Scotland which did not result in broad-scale displacement. The harbor porpoises that remained in the enclosed bay area reduced their buzzing activity by 15 percent during the seismic survey (Pirotta, *et al.,* 2014). Thus, the authors suggest that animals exposed to anthropogenic disturbance may make trade-offs between perceived risks and the cost of leaving disturbed areas (Pirotta, *et al.,* 2014).

Masking

Marine mammals use acoustic signals for a variety of purposes, which differ among species, but include communication between individuals, navigation, foraging, reproduction, avoiding predators, and learning about their environment (Erbe and Farmer, 2000; Tyack, 2000).

The term masking refers to the inability of an animal to recognize the occurrence of an acoustic stimulus because of interference of another acoustic stimulus (Clark *et al.,* 2009). Thus, masking is the obscuring of sounds of interest by other sounds, often at similar frequencies. It is a phenomenon that affects animals that are trying to receive acoustic information about their environment, including sounds from other members of their species, predators, prey, and sounds that allow them to orient in their environment. Masking these acoustic signals can disturb the behavior of individual animals, groups of animals, or entire populations.

Introduced underwater sound may, through masking, reduce the effective communication distance of a marine mammal species if the frequency of the source is close to that used as a signal by the marine mammal, and if the anthropogenic sound is present for a significant fraction of the time (Richardson *et al.,* 1995).

Marine mammals are thought to be able to compensate for masking by adjusting their acoustic behavior through shifting call frequencies, increasing call volume, and increasing vocalization rates. For example in one study, blue whales increased call rates when exposed to noise from seismic surveys in the St. Lawrence Estuary (Di Iorio and Clark, 2010). Other studies reported that some North Atlantic right whales exposed to high shipping noise increased call frequency (Parks *et al.,* 2007) and some humpback whales responded to low-frequency active sonar playbacks by increasing song length (Miller *et al.,* 2000). Additionally, beluga whales change their vocalizations in the presence of high background noise possibly to avoid masking calls (Au *et al.,* 1985; Lesage *et al.,* 1999; Scheifele *et al.,* 2005).

Studies have shown that some baleen and toothed whales continue calling in the presence of seismic pulses, and some researchers have heard these calls between the seismic pulses (*e.g.,* Richardson *et al.,* 1986; McDonald *et al.,* 1995; Greene *et al.,* 1999; Nieukirk *et al.,* 2004; Smultea *et al.,* 2004; Holst *et al.,* 2005a, 2005b, 2006; and Dunn and Hernandez, 2009).

In contrast, Clark and Gagnon (2006) reported that fin whales in the northeast Pacific Ocean went silent for an extended period starting soon after the onset of a seismic survey in the area. Similarly, NMFS is aware of one report that observed sperm whales ceasing calls when exposed to pulses from a very distant seismic ship (Bowles *et al.,* 1994). However, more recent studies have found that sperm whales continued calling in the presence of seismic pulses (Madsen *et al.,* 2002; Tyack *et al.,* 2003; Smultea *et al.,* 2004; Holst *et al.,* 2006; and Jochens *et al.,* 2008).

Risch *et al.* (2012) documented reductions in humpback whale vocalizations in the Stellwagen Bank National Marine Sanctuary concurrent with transmissions of the Ocean Acoustic Waveguide Remote Sensing (OAWRS) low-frequency fish sensor system at distances of 200 km (124 mi) from the source. The recorded OAWRS produced series of frequency modulated pulses and the signal received levels ranged from 88 to 110 dB re: 1 µPa (Risch, *et al.,* 2012). The authors hypothesized that individuals did not leave the area but instead ceased singing and noted that the duration and frequency range of the OAWRS signals (a novel sound to the whales) were similar to those of natural humpback whale song components used during mating (Risch *et al.,* 2012). Thus, the novelty of the sound to humpback whales in the study area provided a compelling contextual probability for the observed effects (Risch *et al.,* 2012). However, the authors did not state or imply that these changes had long-term effects on individual animals or populations (Risch *et al.,* 2012).

Several studies have also reported hearing dolphins and porpoises calling while airguns were operating (*e.g.,* Gordon *et al.,* 2004; Smultea *et al.,* 2004; Holst *et al.,* 2005a, b; and Potter *et al.,* 2007). The sounds important to small odontocetes are predominantly at much higher frequencies than the dominant components of airgun sounds, thus limiting the potential for masking in those species.

Although some degree of masking is inevitable when high levels of manmade broadband sounds are present in the sea, marine mammals have evolved systems and behavior that function to reduce the impacts of masking. Odontocete conspecifics may readily detect structured signals, such as the echolocation click sequences of small toothed whales even in the presence of strong background noise because their frequency content and temporal features usually differ strongly from those of the

background noise (Au and Moore, 1988, 1990). The components of background noise that are similar in frequency to the sound signal in question primarily determine the degree of masking of that signal.

Redundancy and context can also facilitate detection of weak signals. These phenomena may help marine mammals detect weak sounds in the presence of natural or manmade noise. Most masking studies in marine mammals present the test signal and the masking noise from the same direction. The sound localization abilities of marine mammals suggest that, if signal and noise come from different directions, masking would not be as severe as the usual types of masking studies might suggest (Richardson *et al.,* 1995). The dominant background noise may be highly directional if it comes from a particular anthropogenic source such as a ship or industrial site. Directional hearing may significantly reduce the masking effects of these sounds by improving the effective signal-to-noise ratio. In the cases of higher frequency hearing by the bottlenose dolphin, beluga whale, and killer whale, empirical evidence confirms that masking depends strongly on the relative directions of arrival of sound signals and the masking noise (Penner *et al.,* 1986; Dubrovskiy, 1990; Bain *et al.,* 1993; Bain and Dahlheim, 1994).

Toothed whales and probably other marine mammals as well, have additional capabilities besides directional hearing that can facilitate detection of sounds in the presence of background noise. There is evidence that some toothed whales can shift the dominant frequencies of their echolocation signals from a frequency range with a lot of ambient noise toward frequencies with less noise (Au *et al.,* 1974, 1985; Moore and Pawloski, 1990; Thomas and Turl, 1990; Romanenko and Kitain, 1992; Lesage *et al.,* 1999). A few marine mammal species increase the source levels or alter the frequency of their calls in the presence of elevated sound levels (Dahlheim, 1987; Au, 1993; Lesage *et al.,* 1993, 1999; Terhune, 1999; Foote *et al.,* 2004; Parks *et al.,* 2007, 2009; Di Iorio and Clark, 2010; Holt *et al.,* 2009).

These data demonstrating adaptations for reduced masking pertain mainly to the very high frequency echolocation signals of toothed whales. There is less information about the existence of corresponding mechanisms at moderate or low frequencies or in other types of marine mammals. For example, Zaitseva *et al.* (1980) found that, for the bottlenose dolphin, the angular separation between a sound source and a masking noise source had little effect on the degree of masking when the sound frequency was 18 kHz, in contrast to the pronounced effect at higher frequencies. Studies have noted directional hearing at frequencies as low as 0.5–2 kHz in several marine mammals, including killer whales (Richardson *et al.,* 1995a). This ability may be useful in reducing masking at these frequencies. In summary, high levels of sound generated by anthropogenic activities may act to mask the detection of weaker biologically important sounds by some marine mammals. This masking may be more prominent for lower frequencies. For higher frequencies, such as that used in echolocation by toothed whales, several mechanisms are available that may allow them to reduce the effects of such masking.

Behavioral Disturbance

Marine mammals may behaviorally react to sound when exposed to anthropogenic noise. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007; Weilgart, 2007).

Types of behavioral reactions can include the following: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haulouts or rookeries).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, one could expect the consequences of behavioral modification to be biologically significant if the change affects growth, survival, and/or reproduction (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007). Examples of behavioral modifications that could impact growth, survival, or reproduction include:

- Drastic changes in diving/surfacing patterns (such as those associated with beaked whale stranding related to exposure to military mid-frequency tactical sonar);
- Permanent habitat abandonment due to loss of desirable acoustic environment; and
- Disruption of feeding or social interaction resulting in significant energetic costs, inhibited breeding, or cow-calf separation.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Richardson *et al.,* 1995; Southall *et al.,* 2007).

Baleen Whales: Studies have shown that underwater sounds from seismic activities are often readily detectable by baleen whales in the water at distances of many kilometers (Castellote *et al.,* 2012 for fin whales). Many studies have also shown that marine mammals at distances more than a few kilometers away often show no apparent response when exposed to seismic activities (*e.g.,* Madsen & Mohl, 2000 for sperm whales; Malme *et al.,* 1983, 1984 for gray whales; and Richardson *et al.,* 1986 for bowhead whales). Other studies have shown that marine mammals continue important behaviors in the presence of seismic pulses (*e.g.,* Dunn & Hernandez, 2009 for blue whales; Greene Jr. *et al.,* 1999 for bowhead whales; Holst and Beland, 2010; Holst and Smultea, 2008; Holst *et al.,* 2005; Nieukirk *et al.,* 2004; Richardson, *et al.,* 1986; Smultea *et al.,* 2004).

Observers have seen various species of *Balaenoptera* (blue, sei, fin, and minke whales) in areas ensonified by airgun pulses (Stone, 2003; MacLean and Haley, 2004; Stone and Tasker, 2006), and have localized calls from blue and fin whales in areas with airgun operations (*e.g.,* McDonald *et al.,* 1995; Dunn and Hernandez, 2009; Castellote *et al.,* 2010). Sightings by observers on seismic vessels off the United Kingdom from 1997 to 2000 suggest that, during times of good visibility, sighting rates for mysticetes (mainly fin and sei whales) were similar when large arrays of airguns were shooting versus silent (Stone, 2003; Stone and Tasker, 2006). However, these whales tended to exhibit localized avoidance, remaining significantly further (on average) from the airgun array during seismic operations compared with non-seismic periods (Stone and Tasker, 2006).

Ship-based monitoring studies of baleen whales (including blue, fin, sei, minke, and whales) in the northwest Atlantic found that overall, this group had lower sighting rates during seismic versus non-seismic periods (Moulton and Holst, 2010). The authors observed that baleen whales as a group were

significantly farther from the vessel during seismic compared with non-seismic periods. Moreover, the authors observed that the whales swam away more often from the operating seismic vessel (Moulton and Holst, 2010). Initial sightings of blue and minke whales were significantly farther from the vessel during seismic operations compared to non-seismic periods and the authors observed the same trend for fin whales (Moulton and Holst, 2010). Also, the authors observed that minke whales most often swam away from the vessel when seismic operations were underway (Moulton and Holst, 2010).

Blue Whales

McDonald *et al.* (1995) tracked blue whales relative to a seismic survey with a 1,600 in^3 airgun array. One whale started its call sequence within 15 km (9.3 mi) from the source, then followed a pursuit track that decreased its distance to the vessel where it stopped calling at a range of 10 km (6.2 mi) (estimated received level at 143 dB re: 1 μPa (peak-to-peak)). After that point, the ship increased its distance from the whale which continued a new call sequence after approximately one hour and 10 km (6.2 mi) from the ship. The authors reported that the whale had taken a track paralleling the ship during the cessation phase but observed the whale moving diagonally away from the ship after approximately 30 minutes continuing to vocalize. Because the whale may have approached the ship intentionally or perhaps was unaffected by the airguns, the authors concluded that there was insufficient data to infer conclusions from their study related to blue whale responses (McDonald, *et al.,* 1995).

Dunn and Hernandez (2009) tracked blue whales in the eastern tropical Pacific Ocean near the northern East Pacific Rise using 25 ocean-bottom-mounted hydrophones and ocean bottom seismometers during the conduct of an academic seismic survey by the R/V *Maurice Ewing* in 1997. During the airgun operations, the authors recorded the airgun pulses across the entire seismic array which they determined were detectable by eight whales that had entered into the area during a period of airgun activity (Dunn and Hernandez, 2009). The authors were able to track each whale call-by-call using the B components of the calls and examine the whales' locations and call characteristics with respect to the periods of airgun activity. The authors tracked the blue whales from 28 to 100 km (17 to 62 mi) away from active air-gun operations, but did not observe changes in call rates and found no evidence of anomalous behavior that they could directly ascribed to the use of the airguns (Dunn and Hernandez, 2009; Wilcock *et al.,* 2014). Further, the authors state that while the data do not permit a thorough investigation of behavioral responses, they observed no correlation in vocalization or movement with the concurrent airgun activity and estimated that the sound levels produced by the *Ewing's* airguns and were approximately less than 145 dB re: 1 μPa (Dunn and Hernandez, 2009).

Fin Whales

Castellote *et al.* (2010) observed localized avoidance by fin whales during seismic airgun events in the western Mediterranean Sea and adjacent Atlantic waters from 2006–2009 and reported that singing fin whales moved away from an operating airgun array for a time period that extended beyond the duration of the airgun activity.

Gray Whales

A few studies have documented reactions of migrating and feeding (but not wintering) gray whales (*Eschrichtius robustus*) to seismic surveys. Malme *et al.* (1986, 1988) studied the responses of feeding eastern Pacific gray whales to pulses from a single 100-in^3 airgun off St. Lawrence Island in the northern Bering Sea. They estimated, based on small sample sizes, that 50 percent of feeding gray whales stopped feeding at an average received pressure level of 173 dB re: 1 μPa on an (approximate) root mean square basis, and that 10 percent of feeding whales interrupted feeding at received levels of 163 dB re: 1 μPa. Those findings were generally consistent with the results of experiments conducted on larger numbers of gray whales that were migrating along the California coast (Malme *et al.,* 1984; Malme and Miles, 1985), and western Pacific gray whales feeding off Sakhalin Island, Russia (Wursig *et al.,* 1999; Gailey *et al.,* 2007; Johnson *et al.,* 2007; Yazvenko *et al.,* 2007a, 2007b), along with data on gray whales off British Columbia (Bain and Williams, 2006).

Data on short-term reactions by cetaceans to impulsive noises are not necessarily indicative of long-term or biologically significant effects. It is not known whether impulsive sounds affect reproductive rate or distribution and habitat use in subsequent days or years. However, gray whales have continued to migrate annually along the west coast of North America with substantial increases in the population over recent years, despite intermittent seismic exploration (and much ship traffic) in that area for decades (Appendix A in Malme *et al.,* 1984; Richardson *et al.,* 1995; Allen and Angliss, 2014). The western Pacific gray whale population did not appear affected by a seismic survey in its feeding ground during a previous year (Johnson *et al.,* 2007). Similarly, bowhead whales (*Balaena mysticetus*) have continued to travel to the eastern Beaufort Sea each summer, and their numbers have increased notably, despite seismic exploration in their summer and autumn range for many years (Richardson *et al.,* 1987; Allen and Angliss, 2014). The history of coexistence between seismic surveys and baleen whales suggests that brief exposures to sound pulses from any single seismic survey are unlikely to result in prolonged effects.

Humpback Whales

McCauley *et al.* (1998, 2000) studied the responses of humpback whales off western Australia to a full-scale seismic survey with a 16-airgun array (2,678-in^3) and to a single, 20-in^3 airgun with source level of 227 dB re: 1 μPa (peak-to-peak). In the 1998 study, the researchers documented that avoidance reactions began at five to eight km (3.1 to 4.9 mi) from the array, and that those reactions kept most pods approximately three to four km (1.9 to 2.5 mi) from the operating seismic boat. In the 2000 study, McCauley *et al.* noted localized displacement during migration of four to five km (2.5 to 3.1 mi) by traveling pods and seven to 12 km (4.3 to 7.5 mi) by more sensitive resting pods of cow-calf pairs. Avoidance distances with respect to the single airgun were smaller but consistent with the results from the full array in terms of the received sound levels. The mean received level for initial avoidance of an approaching airgun was 140 dB re: 1 μPa for humpback pods containing females, and at the mean closest point of approach distance, the received level was 143 dB re: 1 μPa. The initial avoidance response generally occurred at distances of five to eight km (3.1 to 4.9 mi) from the airgun array and 2 km (1.2 mi) from the single airgun. However, some individual humpback whales, especially males, approached within distances of 100 to 400 m (328 to 1,312 ft), where the maximum received level was 179 dB re: 1 μPa.

Data collected by observers during several of Lamont-Doherty's seismic surveys in the northwest Atlantic Ocean showed that sighting rates of humpback whales were significantly greater during non-seismic periods compared with periods when a full array was operating (Moulton and Holst, 2010). In addition, humpback whales were more likely to

swim away and less likely to swim towards a vessel during seismic versus non-seismic periods (Moulton and Holst, 2010).

Humpback whales on their summer feeding grounds in southeast Alaska did not exhibit persistent avoidance when exposed to seismic pulses from a 1.64–L (100-in^3) airgun (Malme *et al.,* 1985). Some humpbacks seemed ''startled'' at received levels of 150 to 169 dB re: 1 μPa. Malme *et al.* (1985) concluded that there was no clear evidence of avoidance, despite the possibility of subtle effects, at received levels up to 172 re: 1 μPa. However, Moulton and Holst (2010) reported that humpback whales monitored during seismic surveys in the northwest Atlantic had lower sighting rates and were most often seen swimming away from the vessel during seismic periods compared with periods when airguns were silent.

Other studies have suggested that south Atlantic humpback whales wintering off Brazil may be displaced or even strand upon exposure to seismic surveys (Engel *et al.,* 2004). However, the evidence for this was circumstantial and subject to alternative explanations (IAGC, 2004). Also, the evidence was not consistent with subsequent results from the same area of Brazil (Parente *et al.,* 2006), or with direct studies of humpbacks exposed to seismic surveys in other areas and seasons. After allowance for data from subsequent years, there was ''no observable direct correlation'' between strandings and seismic surveys (IWC, 2007: 236).

Toothed Whales: Few systematic data are available describing reactions of toothed whales to noise pulses. However, systematic work on sperm whales is underway (*e.g.,* Gordon *et al.,* 2006; Madsen *et al.,* 2006; Winsor and Mate, 2006; Jochens *et al.,* 2008; Miller *et al.,* 2009) and there is an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (*e.g.,* Stone, 2003; Smultea *et al.,* 2004; Moulton and Miller, 2005; Bain and Williams, 2006; Holst *et al.,* 2006; Stone and Tasker, 2006; Potter *et al.,* 2007; Hauser *et al.,* 2008; Holst and Smultea, 2008; Weir, 2008; Barkaszi *et al.,* 2009; Richardson *et al.,* 2009; Moulton and Holst, 2010). Reactions of toothed whales to large arrays of airguns are variable and, at least for delphinids, seem to be confined to a smaller radius than has been observed for mysticetes.

Delphinids

Seismic operators and protected species observers (observers) on seismic vessels regularly see dolphins and other small toothed whales near operating airgun arrays, but in general there is a tendency for most delphinids to show some avoidance of operating seismic vessels (*e.g.,* Goold, 1996a,b,c; Calambokidis and Osmek, 1998; Stone, 2003; Moulton and Miller, 2005; Holst *et al.,* 2006; Stone and Tasker, 2006; Weir, 2008; Richardson *et al.,* 2009; Barkaszi *et al.,* 2009; Moulton and Holst, 2010). Some dolphins seem to be attracted to the seismic vessel and floats, and some ride the bow wave of the seismic vessel even when large arrays of airguns are firing (*e.g.,* Moulton and Miller, 2005). Nonetheless, there have been indications that small toothed whales sometimes move away or maintain a somewhat greater distance from the vessel when a large array of airguns is operating than when it is silent (*e.g.,* Goold, 1996a,b,c; Stone and Tasker, 2006; Weir, 2008, Barry *et al.,* 2010; Moulton and Holst, 2010). In most cases, the avoidance radii for delphinids appear to be small, on the order of one km or less, and some individuals show no apparent avoidance.

Captive bottlenose dolphins exhibited changes in behavior when exposed to strong pulsed sounds similar in duration to those typically used in seismic surveys (Finneran *et al.,* 2000, 2002, 2005). However, the animals tolerated high received levels of sound (pk–pk level > 200 dB re 1 μPa) before exhibiting aversive behaviors.

Killer Whales

Observers stationed on seismic vessels operating off the United Kingdom from 1997–2000 have provided data on the occurrence and behavior of various toothed whales exposed to seismic pulses (Stone, 2003; Gordon *et al.,* 2004). The studies note that killer whales were significantly farther from large airgun arrays during periods of active airgun operations compared with periods of silence. The displacement of the median distance from the array was approximately 0.5 km (0.3 mi) or more. Killer whales also appear to be more tolerant of seismic shooting in deeper water (Stone, 2003; Gordon *et al.,* 2004).

Porpoises

Results for porpoises depend upon the species. The limited available data suggest that harbor porpoises show stronger avoidance of seismic operations than do Dall's porpoises (Stone, 2003; MacLean and Koski, 2005; Bain and Williams, 2006; Stone and Tasker, 2006). Dall's porpoises seem relatively tolerant of airgun operations (MacLean and Koski, 2005; Bain and Williams, 2006), although they too have been observed to avoid large arrays of operating airguns (Calambokidis and Osmek, 1998; Bain and Williams, 2006). This apparent difference in responsiveness of these two porpoise species is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson *et al.,* 1995; Southall *et al.,* 2007).

Sperm Whales

Most studies of sperm whales exposed to airgun sounds indicate that the whale shows considerable tolerance of airgun pulses (*e.g.,* Stone, 2003; Moulton *et al.,* 2005, 2006a; Stone and Tasker, 2006; Weir, 2008). In most cases the whales do not show strong avoidance, and they continue to call. However, controlled exposure experiments in the Gulf of Mexico indicate alteration of foraging behavior upon exposure to airgun sounds (Jochens *et al.,* 2008; Miller *et al.,* 2009; Tyack, 2009).

Beaked Whales

There are almost no specific data on the behavioral reactions of beaked whales to seismic surveys. Most beaked whales tend to avoid approaching vessels of other types (*e.g.,* Wursig *et al.,* 1998). They may also dive for an extended period when approached by a vessel (*e.g.,* Kasuya, 1986), although it is uncertain how much longer such dives may be as compared to dives by undisturbed beaked whales, which also are often quite long (Baird *et al.,* 2006; Tyack *et al.,* 2006).

Based on a single observation, Aguilar-Soto *et al.* (2006) suggested a reduction in foraging efficiency of Cuvier's beaked whales during a close approach by a vessel. In contrast, Moulton and Holst (2010) reported 15 sightings of beaked whales during seismic studies in the northwest Atlantic and the authors observed seven of those sightings during times when at least one airgun was operating. Because sighting rates and distances were similar during seismic and non-seismic periods, the authors could not correlate changes to beaked whale behavior to the effects of airgun operations (Moulton and Holst, 2010).

Similarly, other studies have observed northern bottlenose whales remain in the general area of active seismic operations while continuing to produce high-frequency clicks when exposed to sound pulses from distant seismic surveys (Gosselin and Lawson, 2004; Laurinolli and Cochrane, 2005; Simard *et al.,* 2005).

Pinnipeds

Pinnipeds are not likely to show a strong avoidance reaction to the airgun sources proposed for use. Visual

monitoring from seismic vessels has shown only slight (if any) avoidance of airguns by pinnipeds and only slight (if any) changes in behavior. Monitoring work in the Alaskan Beaufort Sea during 1996–2001 provided considerable information regarding the behavior of Arctic ice seals exposed to seismic pulses (Harris *et al.,* 2001; Moulton and Lawson, 2002). These seismic projects usually involved arrays of 6 to 16 airguns with total volumes of 560 to 1,500 in^3. The combined results suggest that some seals avoid the immediate area around seismic vessels. In most survey years, ringed seal (*Phoca hispida*) sightings tended to be farther away from the seismic vessel when the airguns were operating than when they were not (Moulton and Lawson, 2002). However, these avoidance movements were relatively small, on the order of 100 m (328 ft) to a few hundreds of meters, and many seals remained within 100–200 m (328–656 ft) of the trackline as the operating airgun array passed by the animals. Seal sighting rates at the water surface were lower during airgun array operations than during no-airgun periods in each survey year except 1997. Similarly, seals are often very tolerant of pulsed sounds from seal-scaring devices (Mate and Harvey, 1987; Jefferson and Curry, 1994; Richardson *et al.,* 1995). However, initial telemetry work suggests that avoidance and other behavioral reactions by two other species of seals to small airgun sources may at times be stronger than evident to date from visual studies of pinniped reactions to airguns (Thompson *et al.,* 1998).

Hearing Impairment

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift—an increase in the auditory threshold after exposure to noise (Finneran *et al.,* 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of threshold shift just after exposure is the initial threshold shift. If the threshold shift eventually returns to zero (*i.e.,* the threshold returns to the pre-exposure value), it is a temporary threshold shift (Southall *et al.,* 2007).

Threshold Shift (noise-induced loss of hearing)—When animals exhibit reduced hearing sensitivity (*i.e.,* sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced threshold shift (TS). An animal can experience temporary threshold shift (TTS) or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.,* there is complete recovery), can occur in specific frequency ranges (*i.e.,* an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

The following physiological mechanisms are thought to play a role in inducing auditory TS: Effects to sensory hair cells in the inner ear that reduce their sensitivity, modification of the chemical environment within the sensory cells, residual muscular activity in the middle ear, displacement of certain inner ear membranes, increased blood flow, and post-stimulatory reduction in both efferent and sensory neural output (Southall *et al.,* 2007). The amplitude, duration, frequency, temporal pattern, and energy distribution of sound exposure all can affect the amount of associated TS and the frequency range in which it occurs. As amplitude and duration of sound exposure increase, so, generally, does the amount of TS, along with the recovery time. For intermittent sounds, less TS could occur than compared to a continuous exposure with the same energy (some recovery could occur between intermittent exposures depending on the duty cycle between sounds) (Kryter *et al.,* 1966; Ward, 1997). For example, one short but loud (higher SPL) sound exposure may induce the same impairment as one longer but softer sound, which in turn may cause more impairment than a series of several intermittent softer sounds with the same total energy (Ward, 1997). Additionally, though TTS is temporary, prolonged exposure to sounds strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). Although in the case of the proposed seismic survey, NMFS does not expect that animals would experience levels high enough or durations long enough to result in PTS.

PTS is considered auditory injury (Southall *et al.,* 2007). Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007).

Although the published body of scientific literature contains numerous theoretical studies and discussion papers on hearing impairments that can occur with exposure to a loud sound, only a few studies provide empirical information on the levels at which noise-induced loss in hearing sensitivity occurs in non-human animals.

Recent studies by Kujawa and Liberman (2009) and Lin *et al.* (2011) found that despite completely reversible threshold shifts that leave cochlear sensory cells intact, large threshold shifts could cause synaptic level changes and delayed cochlear nerve degeneration in mice and guinea pigs, respectively. NMFS notes that the high level of TTS that led to the synaptic changes shown in these studies is in the range of the high degree of TTS that Southall *et al.* (2007) used to calculate PTS levels. It is unknown whether smaller levels of TTS would lead to similar changes. NMFS, however, acknowledges the complexity of noise exposure on the nervous system, and will re-examine this issue as more data become available.

For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran *et al.,* 2000, 2002b, 2003, 2005a, 2007, 2010a, 2010b; Finneran and Schlundt, 2010; Lucke *et al.,* 2009; Mooney *et al.,* 2009a, 2009b; Popov *et al.,* 2011a, 2011b; Kastelein *et al.,* 2012a; Schlundt *et al.,* 2000; Nachtigall *et al.,* 2003, 2004). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 1999, 2005; Kastelein *et al.,* 2012b).

Lucke *et al.* (2009) found a threshold shift (TS) of a harbor porpoise after exposing it to airgun noise with a received sound pressure level (SPL) at 200.2 dB (peak-to-peak) re: 1 μPa, which corresponds to a sound exposure level of 164.5 dB re: 1 μPa2 s after integrating exposure. NMFS currently uses the root-mean-square (rms) of received SPL at 180 dB and 190 dB re: 1 μPa as the threshold above which permanent threshold shift (PTS) could occur for cetaceans and pinnipeds, respectively. Because the airgun noise is a broadband impulse, one cannot directly determine the equivalent of rms SPL from the reported peak-to-peak SPLs. However, applying a conservative conversion factor of 16 dB for broadband signals

from seismic surveys (McCauley, *et al.,* 2000) to correct for the difference between peak-to-peak levels reported in Lucke *et al.* (2009) and rms SPLs, the rms SPL for TTS would be approximately 184 dB re: 1 μPa, and the received levels associated with PTS (Level A harassment) would be higher. This is still above NMFS' current 180 dB rms re: 1 μPa threshold for injury. However, NMFS recognizes that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran & Schlundt, 2010; Finneran *et al.,* 2002; Kastelein and Jennings, 2012).

A recent study on bottlenose dolphins (Schlundt, *et al.,* 2013) measured hearing thresholds at multiple frequencies to determine the amount of TTS induced before and after exposure to a sequence of impulses produced by a seismic air gun. The air gun volume and operating pressure varied from 40–150 in^3 and 1000–2000 psi, respectively. After three years and 180 sessions, the authors observed no significant TTS at any test frequency, for any combinations of air gun volume, pressure, or proximity to the dolphin during behavioral tests (Schlundt, *et al.,* 2013). Schlundt *et al.* (2013) suggest that the potential for airguns to cause hearing loss in dolphins is lower than previously predicted, perhaps as a result of the low-frequency content of air gun impulses compared to the high-frequency hearing ability of dolphins

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so one can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Given the higher level of sound necessary to cause PTS as compared with TTS, it is considerably less likely that PTS would occur during the proposed seismic survey. Cetaceans generally avoid the immediate area around operating seismic vessels, as do some other marine mammals. Some pinnipeds show avoidance reactions to airguns, but their avoidance reactions are generally not as strong or consistent compared to cetacean reactions.

Non-auditory Physical Effects: Non-auditory physical effects might occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include stress, neurological effects, bubble formation, and other types of organ or tissue damage. Some marine mammal species (*i.e.,* beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg, 2000; Sapolsky *et al.,* 2005; Seyle, 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: Behavioral responses; autonomic nervous system responses; neuroendocrine responses; or immune responses.

In the case of many stressors, an animal's first and most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response, which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with stress. These responses have a relatively short duration and may or may not have significant long-term effects on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine or sympathetic nervous systems; the system that has received the most study has been the hypothalmus-pituitary-adrenal system (also known as the HPA axis in mammals or the hypothalamus-pituitary-interrenal axis in fish and some reptiles). Unlike stress responses associated with the autonomic nervous system, the pituitary hormones regulate virtually all neuroendocrine functions affected by stress—including immune competence, reproduction, metabolism, and behavior. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg, 1987; Rivier, 1995), altered metabolism (Elasser *et al.,* 2000), reduced immune competence (Blecha, 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that the body quickly replenishes after alleviation of the stressor. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, it diverts energy resources from other biotic functions, which impair those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state called ''distress'' (*sensu* Seyle, 1950) or ''allostatic loading'' (*sensu* McEwen and Wingfield, 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiment; because this physiology exists in every vertebrate that has been

studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Although no information has been collected on the physiological responses of marine mammals to anthropogenic sound exposure, studies of other marine animals and terrestrial animals would lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to anthropogenic sounds.

For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (*e.g.,* elevated respiration and increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute, repetitive exposures to acoustic disturbance. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.* (2004a, 2004b) identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.,* goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, we assume that reducing a marine mammal's ability to gather information about its environment and communicate with other members of its species would induce stress, based on data that terrestrial animals exhibit those responses under similar conditions (NRC, 2003) and because marine mammals use hearing as their primary sensory mechanism. Therefore, NMFS assumes that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses. More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg, 2000), NMFS also assumes that stress responses could persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

Resonance effects (Gentry, 2002) and direct noise-induced bubble formations (Crum *et al.,* 2005) are implausible in the case of exposure to an impulsive broadband source like an airgun array. If seismic surveys disrupt diving patterns of deep-diving species, this might result in bubble formation and a form of the bends, as speculated to occur in beaked whales exposed to sonar. However, there is no specific evidence of this upon exposure to airgun pulses.

In general, there are few data about the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. Such effects, if they occur at all, would presumably be limited to short distances and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. There is no definitive evidence that any of these effects occur even for marine mammals in close proximity to large arrays of airguns. In addition, marine mammals that show behavioral avoidance of seismic vessels, including some pinnipeds, are unlikely to incur non-auditory impairment or other physical effects. Therefore, it is unlikely that such effects would occur given the brief duration of exposure during the proposed survey.

Stranding and Mortality

When a living or dead marine mammal swims or floats onto shore and becomes ''beached'' or incapable of returning to sea, the event is a ''stranding'' (Geraci *et al.,* 1999; Perrin and Geraci, 2002; Geraci and Lounsbury, 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is that ''(A) a marine mammal is dead and is (i) on a beach or shore of the United States; or (ii) in waters under the jurisdiction of the United States (including any navigable waters); or (B) a marine mammal is alive and is (i) on a beach or shore of the United States and is unable to return to the water; (ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.''

Marine mammals strand for a variety of reasons, such as infectious agents, biotoxicosis, starvation, fishery interaction, ship strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.,* 1976; Eaton, 1979; Odell *et al.,* 1980; Best, 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might pre-dispose them to strand when exposed to another phenomenon. These suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chroussos, 2000; Creel, 2005; DeVries *et al.,* 2003; Fair and Becker, 2000; Foley *et al.,* 2001; Moberg, 2000; Relyea, 2005a; 2005b, Romero, 2004; Sih *et al.,* 2004).

2. Potential Effects of Other Acoustic Devices

Multibeam Echosounder: Lamont-Doherty would operate the Kongsberg EM 122 multibeam echosounder from the source vessel during the planned survey. Sounds from the multibeam echosounder are very short pulses, occurring for two to 15 ms once every five to 20 s, depending on water depth. Most of the energy in the sound pulses emitted by this echosounder is at frequencies near 12 kHz, and the maximum source level is 242 dB re: 1 µPa. The beam is narrow (1 to 2°) in fore-aft extent and wide (150°) in the cross-track extent. Each ping consists of eight (in water greater than 1,000 m deep) or four (less than 1,000 m deep) successive fan-shaped transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only one or two of the segments. Also, marine mammals that encounter the Kongsberg EM 122 are unlikely to be subjected to repeated pulses because of the narrow fore-aft width of the beam and will receive only limited amounts of pulse energy because of the short pulses. Animals

close to the vessel (where the beam is narrowest) are especially unlikely to be ensonified for more than one 2- to 15-ms pulse (or two pulses if in the overlap area). Similarly, Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when an echosounder emits a pulse is small. The animal would have to pass the transducer at close range and be swimming at speeds similar to the vessel in order to receive the multiple pulses that might result in sufficient exposure to cause temporary threshold shift.

NMFS has considered the potential for behavioral responses such as stranding and indirect injury or mortality from Lamont-Doherty's use of the multibeam echosounder. In 2013, an International Scientific Review Panel (ISRP) investigated a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system (Southall *et al.,* 2013) associated with the use of a high-frequency mapping system. The report indicated that the use of a 12-kHz multibeam echosounder was the most plausible and likely initial behavioral trigger of the mass stranding event. This was the first time that a relatively high-frequency mapping sonar system had been associated with a stranding event. However, the report also notes that there were several site- and situation-specific secondary factors that may have contributed to the avoidance responses that lead to the eventual entrapment and mortality of the whales within the Loza Lagoon system (*e.g.,* the survey vessel transiting in a north-south direction on the shelf break parallel to the shore may have trapped the animals between the sound source and the shore driving them towards the Loza Lagoon). They concluded that for odontocete cetaceans that hear well in the 10–50 kHz range, where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts (Southall, *et al.,* 2013). However, the risk may be very low given the extensive use of these systems worldwide on a daily basis and the lack of direct evidence of such responses previously reported (Southall, *et al.,* 2013).

Navy sonars linked to avoidance reactions and stranding of cetaceans: (1) Generally have longer pulse duration than the Kongsberg EM 122; and (2) are often directed close to horizontally versus more downward for the echosounder. The area of possible influence of the echosounder is much smaller–a narrow band below the source vessel. Also, the duration of exposure for a given marine mammal can be much longer for naval sonar. During Lamont-Doherty's operations, the individual pulses will be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by the animal. The following section outlines possible effects of an echosounder on marine mammals.

Masking: Marine mammal communications would not be masked appreciably by the echosounder's signals given the low duty cycle of the echosounder and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the echosounder's signals (12 kHz) do not overlap with the predominant frequencies in the calls, which would avoid any significant masking.

Behavioral Responses: Behavioral reactions of free-ranging marine mammals to sonars, echosounders, and other sound sources appear to vary by species and circumstance. Observed reactions have included increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and strandings by beaked whales. During exposure to a 21 to 25 kHz ''whale-finding'' sonar with a source level of 215 dB re: 1 µPa, gray whales reacted by orienting slightly away from the source and being deflected from their course by approximately 200 m (Frankel, 2005). When a 38-kHz echosounder and a 150-kHz acoustic Doppler current profiler were transmitting during studies in the eastern tropical Pacific Ocean, baleen whales showed no significant responses, while spotted and spinner dolphins were detected slightly more often and beaked whales less often during visual surveys (Gerrodette and Pettis, 2005).

Captive bottlenose dolphins and a beluga whale exhibited changes in behavior when exposed to 1-s tonal signals at frequencies similar to those emitted by Lamont-Doherty's echosounder and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure (Schlundt *et al.,* 2000; Finneran *et al.,* 2002; Finneran and Schlundt, 2004). The relevance of those data to free-ranging odontocetes is uncertain, and in any case, the test sounds were quite different in duration as compared with those from an echosounder.

Hearing Impairment and Other Physical Effects: Given recent stranding events associated with the operation of mid-frequency tactical sonar, there is concern that mid-frequency sonar sounds can cause serious impacts to marine mammals (see earlier discussion). However, the echosounder proposed for use by the *Langseth* is quite different from sonar used for naval operations. The echosounder's pulse duration is very short relative to the naval sonar. Also, at any given location, an individual marine mammal would be in the echosounder's beam for much less time given the generally downward orientation of the beam and its narrow fore-aft beamwidth; navy sonar often uses near-horizontally-directed sound. Those factors would all reduce the sound energy received from the echosounder relative to that from naval sonar.

Lamont-Doherty would also operate a sub-bottom profiler from the source vessel during the proposed survey. The profiler's sounds are very short pulses, occurring for one to four ms once every second. Most of the energy in the sound pulses emitted by the profiler is at 3.5 kHz, and the beam is directed downward. The sub-bottom profiler on the *Langseth* has a maximum source level of 222 dB re: 1 µPa. Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a bottom profiler emits a pulse is small—even for a profiler more powerful than that on the *Langseth*—if the animal was in the area, it would have to pass the transducer at close range and in order to be subjected to sound levels that could cause temporary threshold shift.

Masking: Marine mammal communications would not be masked appreciably by the profiler's signals given the directionality of the signal and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of most baleen whales, the profiler's signals do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral Responses: Responses to the profiler are likely to be similar to the other pulsed sources discussed earlier if received at the same levels. However, the pulsed signals from the profiler are considerably weaker than those from the echosounder.

Hearing Impairment and Other Physical Effects: It is unlikely that the profiler produces pulse levels strong enough to cause hearing impairment or other physical injuries even in an animal that is (briefly) in a position near the source. The profiler operates simultaneously with other higher-power acoustic sources. Many marine mammals would move away in response to the approaching higher-power

sources or the vessel itself before the mammals would be close enough for there to be any possibility of effects from the less intense sounds from the profiler.

3. Potential Effects of Vessel Movement and Collisions

Vessel movement in the vicinity of marine mammals has the potential to result in either a behavioral response or a direct physical interaction. We discuss both scenarios here.

Behavioral Responses to Vessel Movement: There are limited data concerning marine mammal behavioral responses to vessel traffic and vessel noise, and a lack of consensus among scientists with respect to what these responses mean or whether they result in short-term or long-term adverse effects. In those cases where there is a busy shipping lane or where there is a large amount of vessel traffic, marine mammals may experience acoustic masking (Hildebrand, 2005) if they are present in the area (*e.g.,* killer whales in Puget Sound; Foote *et al.,* 2004; Holt *et al.,* 2008). In cases where vessels actively approach marine mammals (*e.g.,* whale watching or dolphin watching boats), scientists have documented that animals exhibit altered behavior such as increased swimming speed, erratic movement, and active avoidance behavior (Bursk, 1983; Acevedo, 1991; Baker and MacGibbon, 1991; Trites and Bain, 2000; Williams *et al.,* 2002; Constantine *et al.,* 2003), reduced blow interval (Ritcher *et al.,* 2003), disruption of normal social behaviors (Lusseau, 2003; 2006), and the shift of behavioral activities which may increase energetic costs (Constantine *et al.,* 2003; 2004). A detailed review of marine mammal reactions to ships and boats is available in Richardson *et al.* (1995). For each of the marine mammal taxonomy groups, Richardson *et al.* (1995) provides the following assessment regarding reactions to vessel traffic:

Toothed whales: In summary, toothed whales sometimes show no avoidance reaction to vessels, or even approach them. However, avoidance can occur, especially in response to vessels of types used to chase or hunt the animals. This may cause temporary displacement, but we know of no clear evidence that toothed whales have abandoned significant parts of their range because of vessel traffic.

Baleen whales: When baleen whales receive low-level sounds from distant or stationary vessels, the sounds often seem to be ignored. Some whales approach the sources of these sounds. When vessels approach whales slowly and non-aggressively, whales often exhibit slow and inconspicuous avoidance maneuvers. In response to strong or rapidly changing vessel noise, baleen whales often interrupt their normal behavior and swim rapidly away. Avoidance is especially strong when a boat heads directly toward the whale.

Behavioral responses to stimuli are complex and influenced to varying degrees by a number of factors, such as species, behavioral contexts, geographical regions, source characteristics (moving or stationary, speed, direction, etc.), prior experience of the animal and physical status of the animal. For example, studies have shown that beluga whales' reactions varied when exposed to vessel noise and traffic. In some cases, naive beluga whales exhibited rapid swimming from ice-breaking vessels up to 80 km (49.7 mi) away, and showed changes in surfacing, breathing, diving, and group composition in the Canadian high Arctic where vessel traffic is rare (Finley *et al.,* 1990). In other cases, beluga whales were more tolerant of vessels, but responded differentially to certain vessels and operating characteristics by reducing their calling rates (especially older animals) in the St. Lawrence River where vessel traffic is common (Blane and Jaakson, 1994). In Bristol Bay, Alaska, beluga whales continued to feed when surrounded by fishing vessels and resisted dispersal even when purposefully harassed (Fish and Vania, 1971).

In reviewing more than 25 years of whale observation data, Watkins (1986) concluded that whale reactions to vessel traffic were ''modified by their previous experience and current activity: Habituation often occurred rapidly, attention to other stimuli or preoccupation with other activities sometimes overcame their interest or wariness of stimuli.'' Watkins noticed that over the years of exposure to ships in the Cape Cod area, minke whales changed from frequent positive interest (*e.g.,* approaching vessels) to generally uninterested reactions; fin whales changed from mostly negative (*e.g.,* avoidance) to uninterested reactions; right whales apparently continued the same variety of responses (negative, uninterested, and positive responses) with little change; and humpbacks dramatically changed from mixed responses that were often negative to reactions that were often strongly positive. Watkins (1986) summarized that ''whales near shore, even in regions with low vessel traffic, generally have become less wary of boats and their noises, and they have appeared to be less easily disturbed than previously. In particular locations with intense shipping and repeated approaches by boats (such as the whale-watching areas of Stellwagen Bank), more and more whales had positive reactions to familiar vessels, and they also occasionally approached other boats and yachts in the same ways.''

Vessel Strike

Ship strikes of cetaceans can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or a vessel's propeller could injure an animal just below the surface. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Vanderlaan and Taggart, 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (*e.g.,* bottlenose dolphin) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC, 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Jensen and Silber, 2003; Vanderlaan and Taggart, 2007). In assessing records with known vessel speeds, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 24.1 km/h (14.9 mph; 13 kts).

Entanglement

Entanglement can occur if wildlife becomes immobilized in survey lines, cables, nets, or other equipment that is moving through the water column. The proposed seismic survey would require towing approximately 8.0 km (4.9 mi) of equipment and cables. This size of the array generally carries a lower risk of entanglement for marine mammals. Wildlife, especially slow moving

individuals, such as large whales, have a low probability of entanglement due to the low amount of slack in the lines, slow speed of the survey vessel, and onboard monitoring. Lamont-Doherty has no recorded cases of entanglement of marine mammals during their conduct of over 11 years of seismic surveys (NSF, 2015).

Anticipated Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat and other marine species are associated with elevated sound levels produced by airguns. This section describes the potential impacts to marine mammal habitat from the specified activity.

Anticipated Effects on Fish

NMFS considered the effects of the survey on marine mammal prey (*i.e.,* fish and invertebrates), as a component of marine mammal habitat in the following subsections.

There are three types of potential effects of exposure to seismic surveys: (1) Pathological, (2) physiological, and (3) behavioral. Pathological effects involve lethal and temporary or permanent sub-lethal injury. Physiological effects involve temporary and permanent primary and secondary stress responses, such as changes in levels of enzymes and proteins. Behavioral effects refer to temporary and (if they occur) permanent changes in exhibited behavior (*e.g.,* startle and avoidance behavior). The three categories are interrelated in complex ways. For example, it is possible that certain physiological and behavioral changes could potentially lead to an ultimate pathological effect on individuals (*i.e.,* mortality).

The available information on the impacts of seismic surveys on marine fish is from studies of individuals or portions of a population. There have been no studies at the population scale. The studies of individual fish have often been on caged fish that were exposed to airgun pulses in situations not representative of an actual seismic survey. Thus, available information provides limited insight on possible real-world effects at the ocean or population scale.

Hastings and Popper (2005), Popper (2009), and Popper and Hastings (2009) provided recent critical reviews of the known effects of sound on fish. The following sections provide a general synopsis of the available information on the effects of exposure to seismic and other anthropogenic sound as relevant to fish. The information comprises results from scientific studies of varying degrees of rigor plus some anecdotal information. Some of the data sources may have serious shortcomings in methods, analysis, interpretation, and reproducibility that must be considered when interpreting their results (see Hastings and Popper, 2005). Potential adverse effects of the program's sound sources on marine fish are noted.

Pathological Effects: The potential for pathological damage to hearing structures in fish depends on the energy level of the received sound and the physiology and hearing capability of the species in question. For a given sound to result in hearing loss, the sound must exceed, by some substantial amount, the hearing threshold of the fish for that sound (Popper, 2005). The consequences of temporary or permanent hearing loss in individual fish on a fish population are unknown; however, they likely depend on the number of individuals affected and whether critical behaviors involving sound (*e.g.,* predator avoidance, prey capture, orientation and navigation, reproduction, *etc.*) are adversely affected.

There are few data about the mechanisms and characteristics of damage impacting fish that by exposure to seismic survey sounds. Peer-reviewed scientific literature has presented few data on this subject. NMFS is aware of only two papers with proper experimental methods, controls, and careful pathological investigation that implicate sounds produced by actual seismic survey airguns in causing adverse anatomical effects. One such study indicated anatomical damage, and the second indicated temporary threshold shift in fish hearing. The anatomical case is McCauley *et al.* (2003), who found that exposure to airgun sound caused observable anatomical damage to the auditory maculae of pink snapper (*Pagrus auratus*). This damage in the ears had not been repaired in fish sacrificed and examined almost two months after exposure. On the other hand, Popper *et al.* (2005) documented only temporary threshold shift (as determined by auditory brainstem response) in two of three fish species from the Mackenzie River Delta. This study found that broad whitefish (*Coregonus nasus*) exposed to five airgun shots were not significantly different from those of controls. During both studies, the repetitive exposure to sound was greater than would have occurred during a typical seismic survey. However, the substantial low-frequency energy produced by the airguns (less than 400 Hz in the study by McCauley *et al.* (2003) and less than approximately 200 Hz in Popper *et al.* (2005)) likely did not propagate to the fish because the water in the study areas was very shallow (approximately 9 m in the former case and less than 2 m in the latter). Water depth sets a lower limit on the lowest sound frequency that will propagate (*i.e.,* the cutoff frequency) at about one-quarter wavelength (Urick, 1983; Rogers and Cox, 1988).

Wardle *et al.* (2001) suggested that in water, acute injury and death of organisms exposed to seismic energy depends primarily on two features of the sound source: (1) The received peak pressure and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. According to Buchanan *et al.* (2004), for the types of seismic airguns and arrays involved with the proposed program, the pathological (mortality) zone for fish would be expected to be within a few meters of the seismic source. Numerous other studies provide examples of no fish mortality upon exposure to seismic sources (Falk and Lawrence, 1973; Holliday *et al.,* 1987; La Bella *et al.,* 1996; Santulli *et al.,* 1999; McCauley *et al.,* 2000a,b, 2003; Bjarti, 2002; Thomsen, 2002; Hassel *et al.,* 2003; Popper *et al.,* 2005; Boeger *et al.,* 2006).

The National Park Service conducted an experiment of the effects of a single 700 in^3 airgun in Lake Meade, Nevada (USGS, 1999) to understand the effects of a marine reflection survey of the Lake Meade fault system (Paulson *et al.,* 1993, in USGS, 1999). The researchers suspended the airgun 3.5 m (11.5 ft) above a school of threadfin shad in Lake Meade and fired three successive times at a 30 s interval. Neither surface inspection nor diver observations of the water column and bottom found any dead fish.

For a proposed seismic survey in Southern California, USGS (1999) conducted a review of the literature on the effects of airguns on fish and fisheries. They reported a 1991 study of the Bay Area Fault system from the continental shelf to the Sacramento River, using a 10 airgun (5,828 in^3) array. Brezzina and Associates, hired by USGS to monitor the effects of the surveys, concluded that airgun operations were not responsible for the death of any of the fish carcasses observed, and the airgun profiling did not appear to alter the feeding behavior of sea lions, seals, or pelicans observed feeding during the seismic surveys.

Some studies have reported that mortality of fish, fish eggs, or larvae can occur close to seismic sources

(Kostyuchenko, 1973; Dalen and Knutsen, 1986; Booman *et al.,* 1996; Dalen *et al.,* 1996). Some of the reports claimed seismic effects from treatments quite different from actual seismic survey sounds or even reasonable surrogates. However, Payne *et al.* (2009) reported no statistical differences in mortality/morbidity between control and exposed groups of capelin eggs or monkfish larvae. Saetre and Ona (1996) applied a worst-case scenario, mathematical model to investigate the effects of seismic energy on fish eggs and larvae. The authors concluded that mortality rates caused by exposure to seismic surveys were low, as compared to natural mortality rates, and suggested that the impact of seismic surveying on recruitment to a fish stock was not significant.

Physiological Effects: Physiological effects refer to cellular and/or biochemical responses of fish to acoustic stress. Such stress potentially could affect fish populations by increasing mortality or reducing reproductive success. Primary and secondary stress responses of fish after exposure to seismic survey sound appear to be temporary in all studies done to date (Sverdrup *et al.,* 1994; Santulli *et al.,* 1999; McCauley *et al.,* 2000a,b). The periods necessary for the biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Behavioral Effects—Behavioral effects include changes in the distribution, migration, mating, and catchability of fish populations. Studies investigating the possible effects of sound (including seismic survey sound) on fish behavior have been conducted on both uncaged and caged individuals (*e.g.,* Chapman and Hawkins, 1969; Pearson *et al.,* 1992; Santulli *et al.,* 1999; Wardle *et al.,* 2001; Hassel *et al.,* 2003). Typically, in these studies fish exhibited a sharp startle response at the onset of a sound followed by habituation and a return to normal behavior after the sound ceased.

The former Minerals Management Service (MMS, 2005) assessed the effects of a proposed seismic survey in Cook Inlet, Alaska. The seismic survey proposed using three vessels, each towing two, four-airgun arrays ranging from 1,500 to 2,500 in^3. The Minerals Management Service noted that the impact to fish populations in the survey area and adjacent waters would likely be very low and temporary and also concluded that seismic surveys may displace the pelagic fishes from the area temporarily when airguns are in use. However, fishes displaced and avoiding the airgun noise are likely to backfill the survey area in minutes to hours after cessation of seismic testing. Fishes not dispersing from the airgun noise (*e.g.,* demersal species) may startle and move short distances to avoid airgun emissions.

In general, any adverse effects on fish behavior or fisheries attributable to seismic testing may depend on the species in question and the nature of the fishery (season, duration, fishing method). They may also depend on the age of the fish, its motivational state, its size, and numerous other factors that are difficult, if not impossible, to quantify at this point, given such limited data on effects of airguns on fish, particularly under realistic at-sea conditions (Lokkeborg *et al.,* 2012; Fewtrell and McCauley, 2012). NMFS would expect prey species to return to their pre-exposure behavior once seismic firing ceased (Lokkeborg *et al.,* 2012; Fewtrell and McCauley, 2012).

Anticipated Effects on Invertebrates

The existing body of information on the impacts of seismic survey sound on marine invertebrates is very limited. However, there is some unpublished and very limited evidence of the potential for adverse effects on invertebrates, thereby justifying further discussion and analysis of this issue. The three types of potential effects of exposure to seismic surveys on marine invertebrates are pathological, physiological, and behavioral. Based on the physical structure of their sensory organs, marine invertebrates appear to be specialized to respond to particle displacement components of an impinging sound field and not to the pressure component (Popper *et al.,* 2001). The only information available on the impacts of seismic surveys on marine invertebrates involves studies of individuals; there have been no studies at the population scale. Thus, available information provides limited insight on possible real-world effects at the regional or ocean scale.

Moriyasu *et al.* (2004) and Payne *et al.* (2008) provide literature reviews of the effects of seismic and other underwater sound on invertebrates. The following sections provide a synopsis of available information on the effects of exposure to seismic survey sound on species of decapod crustaceans and cephalopods, the two taxonomic groups of invertebrates on which most such studies have been conducted. The available information is from studies with variable degrees of scientific soundness and from anecdotal information. A more detailed review of the literature on the effects of seismic survey sound on invertebrates is in Appendix E of Foundation's 2011 Programmatic Environmental Impact Statement (NSF/USGS, 2011).

Pathological Effects: In water, lethal and sub-lethal injury to organisms exposed to seismic survey sound appears to depend on at least two features of the sound source: (1) The received peak pressure; and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. For the type of airgun array planned for the proposed program, the pathological (mortality) zone for crustaceans and cephalopods is expected to be within a few meters of the seismic source, at most; however, very few specific data are available on levels of seismic signals that might damage these animals. This premise is based on the peak pressure and rise/decay time characteristics of seismic airgun arrays currently in use around the world.

Some studies have suggested that seismic survey sound has a limited pathological impact on early developmental stages of crustaceans (Pearson *et al.,* 1994; Christian *et al.,* 2003; DFO, 2004). However, the impacts appear to be either temporary or insignificant compared to what occurs under natural conditions. Controlled field experiments on adult crustaceans (Christian *et al.,* 2003, 2004; DFO, 2004) and adult cephalopods (McCauley *et al.,* 2000a,b) exposed to seismic survey sound have not resulted in any significant pathological impacts on the animals. It has been suggested that exposure to commercial seismic survey activities has injured giant squid (Guerra *et al.,* 2004), but the article provides little evidence to support this claim.

Tenera Environmental (2011) reported that Norris and Mohl (1983, summarized in Mariyasu *et al.,* 2004) observed lethal effects in squid (*Loligo vulgaris*) at levels of 246 to 252 dB after 3 to 11 minutes. Another laboratory study observed abnormalities in larval scallops after exposure to low frequency noise in tanks (de Soto *et al.,* 2013).

Andre *et al.* (2011) exposed four cephalopod species (*Loligo vulgaris, Sepia officinalis, Octopus vulgaris,* and *Ilex coindetii*) to two hours of continuous sound from 50 to 400 Hz at 157 ±5 dB re: 1 µPa. They reported lesions to the sensory hair cells of the statocysts of the exposed animals that increased in severity with time, suggesting that cephalopods are particularly sensitive to low-frequency sound. The received sound pressure

level was 157 ±5 dB re: 1 μPa, with peak levels at 175 dB re: 1 μPa. As in the McCauley *et al.* (2003) paper on sensory hair cell damage in pink snapper as a result of exposure to seismic sound, the cephalopods were subjected to higher sound levels than they would be under natural conditions, and they were unable to swim away from the sound source.

Physiological Effects: Physiological effects refer mainly to biochemical responses by marine invertebrates to acoustic stress. Such stress potentially could affect invertebrate populations by increasing mortality or reducing reproductive success. Studies have noted primary and secondary stress responses (*i.e.,* changes in haemolymph levels of enzymes, proteins, etc.) of crustaceans occurring several days or months after exposure to seismic survey sounds (Payne *et al.,* 2007). The authors noted that crustaceans exhibited no behavioral impacts (Christian *et al.,* 2003, 2004; DFO, 2004). The periods necessary for these biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Behavioral Effects: There is increasing interest in assessing the possible direct and indirect effects of seismic and other sounds on invertebrate behavior, particularly in relation to the consequences for fisheries. Changes in behavior could potentially affect such aspects as reproductive success, distribution, susceptibility to predation, and catchability by fisheries. Studies investigating the possible behavioral effects of exposure to seismic survey sound on crustaceans and cephalopods have been conducted on both uncaged and caged animals. In some cases, invertebrates exhibited startle responses (*e.g.,* squid in McCauley *et al.,* 2000). In other cases, the authors observed no behavioral impacts (*e.g.,* crustaceans in Christian *et al.,* 2003, 2004; DFO, 2004). There have been anecdotal reports of reduced catch rates of shrimp shortly after exposure to seismic surveys; however, other studies have not observed any significant changes in shrimp catch rate (Andriguetto-Filho *et al.,* 2005). Similarly, Parry and Gason (2006) did not find any evidence that lobster catch rates were affected by seismic surveys. Any adverse effects on crustacean and cephalopod behavior or fisheries attributable to seismic survey sound depend on the species in question and the nature of the fishery (season, duration, fishing method).

In examining impacts to fish and invertebrates as prey species for marine mammals, we expect fish to exhibit a range of behaviors including no reaction or habituation (Peña *et al.,* 2013) to startle responses and/or avoidance (Fewtrell and McCauley, 2012). We expect that the seismic survey would have no more than a temporary and minimal adverse effect on any fish or invertebrate species. Although there is a potential for injury to fish or marine life in close proximity to the vessel, we expect that the impacts of the seismic survey on fish and other marine life specifically related to acoustic activities would be temporary in nature, negligible, and would not result in substantial impact to these species or to their role in the ecosystem. Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

Lamont-Doherty has reviewed the following source documents and has incorporated a suite of proposed mitigation measures into their project description.

(1) Protocols used during previous Lamont-Doherty and Foundation-funded seismic research cruises as approved by us and detailed in the Foundation's 2011 PEIS and 2015 draft environmental analysis;

(2) Previous incidental harassment authorizations applications and authorizations that NMFS has approved and authorized; and

(3) Recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), and Weir and Dolman, (2007).

To reduce the potential for disturbance from acoustic stimuli associated with the activities, Lamont-Doherty, and/or its designees have proposed to implement the following mitigation measures for marine mammals:

(1) Vessel-based visual mitigation monitoring;

(2) Proposed exclusion zones;

(3) Power down procedures;

(4) Shutdown procedures;

(5) Ramp-up procedures; and

(6) Speed and course alterations.

NMFS reviewed Lamont-Doherty's proposed mitigation measures and has proposed additional measures to effect the least practicable adverse impact on marine mammals. They are:

(1) Expanded shutdown procedures for all pinnipeds, including Mediterranean monk seals;

(2) Expanded power down procedures for concentrations of six or more whales that do not appear to be traveling (*e.g.,* feeding, socializing, etc.).

(3) Delayed conduct of the three tracklines nearest to Anafi Island as late as possible (*i.e.,* late November to early December) during the proposed survey.

Vessel-Based Visual Mitigation Monitoring

Lamont-Doherty would position observers aboard the seismic source vessel to watch for marine mammals near the vessel during daytime airgun operations and during any start-ups at night. Observers would also watch for marine mammals near the seismic vessel for at least 30 minutes prior to the start of airgun operations after an extended shutdown (*i.e.,* greater than approximately eight minutes for this proposed cruise). When feasible, the observers would conduct observations during daytime periods when the seismic system is not operating for comparison of sighting rates and behavior with and without airgun operations and between acquisition periods. Based on the observations, the *Langseth* would power down or shutdown the airguns when marine mammals are observed within or about to enter a designated exclusion zone for cetaceans or pinnipeds.

During seismic operations, at least four protected species observers would be aboard the *Langseth.* Lamont-Doherty would appoint the observers with NMFS concurrence and they would conduct observations during ongoing daytime operations and nighttime ramp-ups of the airgun array. During the majority of seismic operations, two observers would be on duty from the observation tower to monitor marine mammals near the seismic vessel. Using two observers would increase the effectiveness of detecting animals near the source vessel. However, during mealtimes and bathroom breaks, it is sometimes difficult to have two observers on effort, but at least one observer would be on watch during bathroom breaks and mealtimes. Observers would be on duty in shifts of no longer than four hours in duration.

Two observers on the *Langseth* would also be on visual watch during all nighttime ramp-ups of the seismic

airguns. A third observer would monitor the passive acoustic monitoring equipment 24 hours a day to detect vocalizing marine mammals present in the action area. In summary, a typical daytime cruise would have scheduled two observers (visual) on duty from the observation tower, and an observer (acoustic) on the passive acoustic monitoring system. Before the start of the seismic survey, Lamont-Doherty would instruct the vessel's crew to assist in detecting marine mammals and implementing mitigation requirements.

The *Langseth* is a suitable platform for marine mammal observations. When stationed on the observation platform, the eye level would be approximately 21.5 m (70.5 ft) above sea level, and the observer would have a good view around the entire vessel. During daytime, the observers would scan the area around the vessel systematically with reticle binoculars (*e.g.,* 7 x 50 Fujinon), Big-eye binoculars (25 x 150), and with the naked eye. During darkness, night vision devices would be available (ITT F500 Series Generation 3 binocular-image intensifier or equivalent), when required. Laser range-finding binoculars (Leica LRF 1200 laser rangefinder or equivalent) would be available to assist with distance estimation. They are useful in training observers to estimate distances visually, but are generally not useful in measuring distances to animals directly. The user measures distances to animals with the reticles in the binoculars.

Lamont-Doherty would immediately power down or shutdown the airguns when observers see marine mammals within or about to enter the designated exclusion zone. The observer(s) would continue to maintain watch to determine when the animal(s) are outside the exclusion zone by visual confirmation. Airgun operations would not resume until the observer has confirmed that the animal has left the zone, or if not observed after 15 minutes for species with shorter dive durations (small odontocetes and pinnipeds) or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales).

Proposed Mitigation Exclusion Zones

Lamont-Doherty would use safety radii to designate exclusion zones and to estimate take for marine mammals. Table 3 shows the distances at which one would expect to receive sound levels (160-, 180-, and 190-dB,) from the airgun array and a single airgun. If the protected species visual observer detects marine mammal(s) within or about to enter the appropriate exclusion zone, the *Langseth* crew would immediately power down the airgun array, or perform a shutdown if necessary (see Shut-down Procedures).

TABLE 3—PREDICTED DISTANCES TO WHICH SOUND LEVELS GREATER THAN OR EQUAL TO 160 RE: 1 μPa COULD BE RECEIVED DURING THE PROPOSED SURVEY AREAS WITHIN THE EASTERN MEDITERRANEAN SEA

[November through December, 2015]

Source and volume (in^3)	Tow depth (m)	Water depth (m)	Predicted RMS distances [1] (m)		
			190 dB	180 dB	160 dB
Single Bolt airgun (40 in^3)	9 or 12	<100	27	96	1,041
		100 to 1,000	100	100	647
		>1,000	100	100	431
36-Airgun Array (6,600 in^3)	9	<100	591	2,060	22,580
		100 to 1,000	429	1,391	8,670
		>1,000	286	927	5,780
36-Airgun Array (6,600 in^3)	12	<100	710	2,480	27,130
		100 to 1,000	522	1,674	10,362
		>1,000	348	1,116	6,908

[1] Predicted distances based on information presented in Lamont-Doherty's application.

The 180- or 190-dB level shutdown criteria are applicable to cetaceans as specified by NMFS (2000). Lamont-Doherty used these levels to establish the exclusion zones as presented in their application.

Lamont-Doherty used a process to develop and confirm the conservativeness of the mitigation radii for a shallow-water seismic survey in the northeast Pacific Ocean offshore Washington in 2012. Crone *et al.* (2014) analyzed the received sound levels from the 2012 survey and reported that the actual distances for the exclusion and buffer zones were two to three times smaller than what Lamont-Doherty's modeling approach predicted. While these results confirm the role that bathymetry plays in propagation, they also confirm that empirical measurements from the Gulf of Mexico survey likely over-estimated the size of the exclusion zones for the 2012 Washington shallow-water seismic surveys. NMFS reviewed this preliminary information in consideration of how these data reflect on the accuracy of Lamont-Doherty's current modeling approach.

Power Down Procedures

A power down involves decreasing the number of airguns in use such that the radius of the 180-dB or 190-dB exclusion zone is smaller to the extent that marine mammals are no longer within or about to enter the exclusion zone. A power down of the airgun array can also occur when the vessel is moving from one seismic line to another. During a power down for mitigation, the *Langseth* would operate one airgun (40 in^3). The continued operation of one airgun would alert marine mammals to the presence of the seismic vessel in the area. A shutdown occurs when the *Langseth* suspends all airgun activity.

If the observer detects a marine mammal outside the exclusion zone and the animal is likely to enter the zone, the crew would power down the airguns to reduce the size of the 180-dB or 190-dB exclusion zone before the animal enters that zone. Likewise, if a mammal is already within the zone after detection, the crew would power-down the airguns immediately. During a power down of the airgun array, the crew would operate a single 40-in^3 airgun which has a smaller exclusion zone. If the observer detects a marine mammal within or near the smaller exclusion zone around the airgun (Table 3), the crew would shut down the single airgun (see next section).

Resuming Airgun Operations after a Power Down: Following a power-down,

the *Langseth* crew would not resume full airgun activity until the marine mammal has cleared the 180-dB or 190-dB exclusion zone. The observers would consider the animal to have cleared the exclusion zone if:

- The observer has visually observed the animal leave the exclusion zone; or
- An observer has not sighted the animal within the exclusion zone for 15 minutes for species with shorter dive durations (*i.e.,* small odontocetes or pinnipeds), or 30 minutes for species with longer dive durations (*i.e.,* mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales); or

The *Langseth* crew would resume operating the airguns at full power after 15 minutes of sighting any species with short dive durations (*i.e.,* small odontocetes or pinnipeds). Likewise, the crew would resume airgun operations at full power after 30 minutes of sighting any species with longer dive durations (*i.e.,* mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales).

NMFS estimates that the *Langseth* would transit outside the original 180-dB or 190-dB exclusion zone after an 8-minute wait period. This period is based on the average speed of the *Langseth* while operating the airguns (8.5 km/h; 5.3 mph). Because the vessel has transited away from the vicinity of the original sighting during the 8-minute period, implementing ramp-up procedures for the full array after an extended power down (*i.e.,* transiting for an additional 35 minutes from the location of initial sighting) would not meaningfully increase the effectiveness of observing marine mammals approaching or entering the exclusion zone for the full source level and would not further minimize the potential for take. The *Langseth's* observers are continually monitoring the exclusion zone for the full source level while the mitigation airgun is firing. On average, observers can observe to the horizon (10 km; 6.2 mi) from the height of the *Langseth's* observation deck and should be able to say with a reasonable degree of confidence whether a marine mammal would be encountered within this distance before resuming airgun operations at full power.

Shutdown Procedures

The *Langseth* crew would shut down the operating airgun(s) if they see a marine mammal within or approaching the exclusion zone for the single airgun. The crew would implement a shutdown:

(1) If an animal enters the exclusion zone of the single airgun after the crew has initiated a power down; or

(2) If an observer sees the animal is initially within the exclusion zone of the single airgun when more than one airgun (typically the full airgun array) is operating.

Resuming Airgun Operations after a Shutdown: Following a shutdown in excess of eight minutes, the *Langseth* crew would initiate a ramp-up with the smallest airgun in the array (40-in^3). The crew would turn on additional airguns in a sequence such that the source level of the array would increase in steps not exceeding 6 dB per five-minute period over a total duration of approximately 30 minutes. During ramp-up, the observers would monitor the exclusion zone, and if he/she sees a marine mammal, the *Langseth* crew would implement a power down or shutdown as though the full airgun array were operational.

During periods of active seismic operations, there are occasions when the *Langseth* crew would need to temporarily shut down the airguns due to equipment failure or for maintenance. In this case, if the airguns are inactive longer than eight minutes, the crew would follow ramp-up procedures for a shutdown described earlier and the observers would monitor the full exclusion zone and would implement a power down or shutdown if necessary.

If the full exclusion zone is not visible to the observer for at least 30 minutes prior to the start of operations in either daylight or nighttime, the *Langseth* crew would not commence ramp-up unless at least one airgun (40-in^3 or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the vessel's crew would not ramp-up the airgun array from a complete shutdown at night or in thick fog, because the outer part of the zone for that array would not be visible during those conditions.

If one airgun has operated during a power down period, ramp-up to full power would be permissible at night or in poor visibility, on the assumption that marine mammals would be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. The vessel's crew would not initiate a ramp-up of the airguns if an observer sees the marine mammal within or near the applicable exclusion zones during the day or close to the vessel at night.

Ramp-Up Procedures

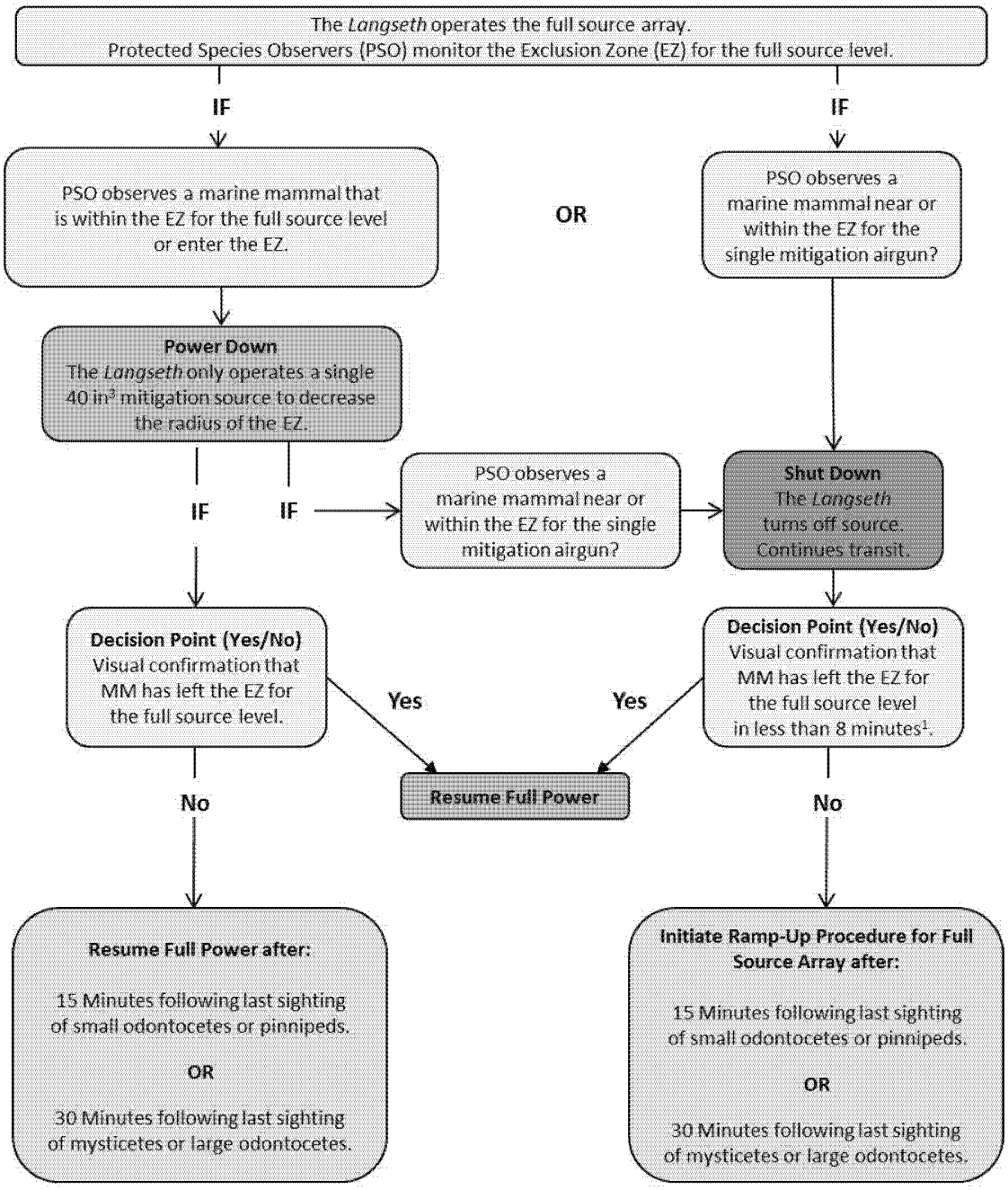
Ramp-up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume of the airgun array is achieved. The purpose of a ramp-up is to ''warn'' marine mammals in the vicinity of the airguns, and to provide the time for them to leave the area and thus avoid any potential injury or impairment of their hearing abilities. Lamont-Doherty would follow a ramp-up procedure when the airgun array begins operating after an 8-minute period without airgun operations or when shut down has exceeded that period. Lamont-Doherty has used similar waiting periods (approximately eight to 10 minutes) during previous seismic surveys.

Ramp-up would begin with the smallest airgun in the array (40 in^3). The crew would add airguns in a sequence such that the source level of the array would increase in steps not exceeding six dB per five minute period over a total duration of approximately 30 to 35 minutes. During ramp-up, the observers would monitor the exclusion zone, and if marine mammals are sighted, Lamont-Doherty would implement a power-down or shut-down as though the full airgun array were operational.

If the complete exclusion zone has not been visible for at least 30 minutes prior to the start of operations in either daylight or nighttime, Lamont-Doherty would not commence the ramp-up unless at least one airgun (40 in^3 or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the crew would not ramp-up the airgun array from a complete shut-down at night or in thick fog, because the outer part of the exclusion zone for that array would not be visible during those conditions. If one airgun has operated during a power-down period, ramp-up to full power would be permissible at night or in poor visibility, on the assumption that marine mammals would be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. Lamont-Doherty would not initiate a ramp-up of the airguns if an observer sights a marine mammal within or near the applicable exclusion zones. NMFS refers the reader to Figure 2, which presents a flowchart representing the ramp-up, power down, and shut down protocols described in this notice.

BILLING CODE 3510–22–P

Proposed Power-Down and Shut-Down Procedures for the R/V *Langseth*



[1] **Ramp-Up Procedures**
For a given survey, Lamont-Doherty would calculate a specified period based on the 180-dB exclusion zone radius in relation to the average planned speed of the *Langseth* while surveying. Lamont-Doherty has used similar periods (8-10 minutes) for previous surveys. Ramp up will not occur if a marine mammal has not cleared the exclusion zone for the full array.

Date: March 10, 2015

BILLING CODE 3510–22–C

Special Procedures for Situations or Species of Concern

Considering the highly endangered status of Mediterranean monk seals, the *Langseth* crew would shut down the airgun(s) immediately in the unlikely event that observers detect any pinniped species within any visible distance of the vessel. The *Langseth* would only begin ramp-up if observers have not seen the Mediterranean monk seal for 30 minutes.

To further reduce impacts to Mediterranean monk seals during the peak of the pupping season (September through November), NMFS is requiring Lamont-Doherty to conduct the three proposed tracklines nearest to Anafi Island as late as possible (*i.e.,* late November to early December) during the proposed survey.

Last, the *Langseth* would avoid exposing concentrations of large whales to sounds greater than 160 dB and would power down the array, if necessary. For purposes of this proposed survey, a concentration or group of whales would consist of six or more individuals visually sighted that do not appear to be traveling (*e.g.,* feeding, socializing, etc.).

Speed and Course Alterations

If during seismic data collection, Lamont-Doherty detects marine mammals outside the exclusion zone and, based on the animal's position and direction of travel, is likely to enter the exclusion zone, the *Langseth* would change speed and/or direction if this does not compromise operational safety. Due to the limited maneuverability of the primary survey vessel, altering speed, and/or course can result in an extended period of time to realign the *Langseth* to the transect line. However, if the animal(s) appear likely to enter the exclusion zone, the *Langseth* would undertake further mitigation actions, including a power down or shut down of the airguns.

To the maximum extent practicable, the *Langseth* would conduct the seismic survey (especially when near land) from the coast (inshore) and proceed towards the sea (offshore) in order to avoid trapping marine mammals in shallow water.

Mitigation Conclusions

NMFS has carefully evaluated Lamont-Doherty's proposed mitigation measures in the context of ensuring that we prescribe the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to airgun operations that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to airgun operations that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to airgun operations that we expect to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).
5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.
6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of Lamont-Doherty's proposed measures, as well as other measures proposed by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring

In order to issue an Incidental Take Authorization for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for Authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that we expect to be present in the proposed action area.

Lamont-Doherty submitted a marine mammal monitoring plan in section XIII of the Authorization application. NMFS, NSF, or Lamont-Doherty may modify or supplement the plan based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and during other times and locations, in order to generate more data to contribute to the analyses mentioned later;
2. An increase in our understanding of how many marine mammals would be affected by seismic airguns and other active acoustic sources and the likelihood of associating those exposures with specific adverse effects, such as behavioral harassment, temporary or permanent threshold shift;
3. An increase in our understanding of how marine mammals respond to stimuli that we expect to result in take and how those anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

a. Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (*i.e.,* to be able to accurately predict received level, distance from source, and other pertinent information);

b. Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (*i.e.,* to be able to accurately predict

received level, distance from source, and other pertinent information);

c. Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Proposed Monitoring Measures

Lamont-Doherty proposes to sponsor marine mammal monitoring during the present project to supplement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the Authorization. Lamont-Doherty understands that NMFS would review the monitoring plan and may require refinements to the plan. Lamont-Doherty planned the monitoring work as a self-contained project independent of any other related monitoring projects that may occur in the same regions at the same time. Further, Lamont-Doherty is prepared to discuss coordination of its monitoring program with any other related work that might be conducted by other groups working insofar as it is practical for Lamont-Doherty.

Vessel-Based Passive Acoustic Monitoring

Passive acoustic monitoring would complement the visual mitigation monitoring program, when practicable. Visual monitoring typically is not effective during periods of poor visibility or at night, and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Passive acoustical monitoring can improve detection, identification, and localization of cetaceans when used in conjunction with visual observations. The passive acoustic monitoring would serve to alert visual observers (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals call, but it can be effective either by day or by night, and does not depend on good visibility. The acoustic observer would monitor the system in real time so that he/she can advise the visual observers if they acoustically detect cetaceans.

The passive acoustic monitoring system consists of hardware (*i.e.,* hydrophones) and software. The ''wet end'' of the system consists of a towed hydrophone array connected to the vessel by a tow cable. The tow cable is 250 m (820.2 ft) long and the hydrophones are fitted in the last 10 m (32.8 ft) of cable. A depth gauge, attached to the free end of the cable, typically towed at depths less than 20 m (65.6 ft). The *Langseth* crew would deploy the array from a winch located on the back deck. A deck cable would connect the tow cable to the electronics unit in the main computer lab where the acoustic station, signal conditioning, and processing system would be located. The Pamguard software amplifies, digitizes, and then processes the acoustic signals received by the hydrophones. The system can detect marine mammal vocalizations at frequencies up to 250 kHz.

One acoustic observer, an expert bioacoustician with primary responsibility for the passive acoustic monitoring system would be aboard the *Langseth* in addition to the four visual observers. The acoustic observer would monitor the towed hydrophones 24 hours per day during airgun operations and during most periods when the *Langseth* is underway while the airguns are not operating. However, passive acoustic monitoring may not be possible if damage occurs to both the primary and back-up hydrophone arrays during operations. The primary passive acoustic monitoring streamer on the *Langseth* is a digital hydrophone streamer. Should the digital streamer fail, back-up systems should include an analog spare streamer and a hull-mounted hydrophone.

One acoustic observer would monitor the acoustic detection system by listening to the signals from two channels via headphones and/or speakers and watching the real-time spectrographic display for frequency ranges produced by cetaceans. The observer monitoring the acoustical data would be on shift for one to six hours at a time. The other observers would rotate as an acoustic observer, although the expert acoustician would be on passive acoustic monitoring duty more frequently.

When the acoustic observer detects a vocalization while visual observations are in progress, the acoustic observer on duty would contact the visual observer immediately, to alert him/her to the presence of cetaceans (if they have not already been seen), so that the vessel's crew can initiate a power down or shutdown, if required. The observer would enter the information regarding the call into a database. Data entry would include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position and water depth when first detected, bearing if determinable, species or species group (*e.g.,* unidentified dolphin, sperm whale), types and nature of sounds heard (*e.g.,* clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information. Acousticians record the acoustic detection for further analysis.

Observer Data and Documentation

Observers would record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. They would use the data to help better understand the impacts of the activity on marine mammals and to estimate numbers of animals potentially 'taken' by harassment (as defined in the MMPA). They will also provide information needed to order a power down or shut down of the airguns when a marine mammal is within or near the exclusion zone.

When an observer makes a sighting, they will record the following information:

1. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.,* none, avoidance, approach, paralleling, etc.), and behavioral pace.

2. Time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare.

The observer will record the data listed under (2) at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

Observers will record all observations and power downs or shutdowns in a standardized format and will enter data into an electronic database. The observers will verify the accuracy of the data entry by computerized data validity checks during data entry and by subsequent manual checking of the database. These procedures will allow the preparation of initial summaries of data during and shortly after the field program, and will facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving.

Results from the vessel-based observations will provide:

1. The basis for real-time mitigation (airgun power down or shutdown).

2. Information needed to estimate the number of marine mammals potentially taken by harassment, which Lamont-Doherty must report to the Office of Protected Resources.

3. Data on the occurrence, distribution, and activities of marine mammals and turtles in the area where Lamont-Doherty would conduct the seismic study.

4. Information to compare the distance and distribution of marine mammals and turtles relative to the source vessel at times with and without seismic activity.

5. Data on the behavior and movement patterns of marine mammals detected during non-active and active seismic operations.

Proposed Reporting

Lamont-Doherty would submit a report to us and to NSF within 90 days after the end of the cruise. The report would describe the operations conducted and sightings of marine mammals near the operations. The report would provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report would summarize the dates and locations of seismic operations, and all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities). The report would also include estimates of the number and nature of exposures that occurred above the harassment threshold based on the observations.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization (if issued), such as an injury, serious injury, or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), Lamont-Doherty shall immediately cease the specified activities and immediately report the take to the Chief Permits and Conservation Division, Office of Protected Resources, NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Lamont-Doherty shall not resume its activities until we are able to review the circumstances of the prohibited take. We shall work with Lamont-Doherty to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Lamont-Doherty may not resume their activities until notified by us via letter, email, or telephone.

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as we describe in the next paragraph), Lamont-Doherty will immediately report the incident to the Chief Permits and Conservation Division, Office of Protected Resources, NMFS. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with Lamont-Doherty to determine whether modifications in the activities are appropriate.

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Lamont-Doherty would report the incident to the Chief Permits and Conservation Division, Office of Protected Resources, NMFS, within 24 hours of the discovery. Lamont-Doherty would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, section 3(18)the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Acoustic stimuli (*i.e.,* increased underwater sound) generated during the operation of the airgun array may have the potential to result in the behavioral disturbance of some marine mammals and may have an even smaller potential to result in permanent threshold shift (non-lethal injury) of some marine mammals. NMFS expects that the proposed mitigation and monitoring measures would minimize the possibility of injurious or lethal takes. However, NMFS cannot discount the possibility (albeit small) that exposure to energy from the proposed survey could result in non-lethal injury (Level A harassment). Thus, NMFS proposes to authorize take by Level B harassment and Level A harassment resulting from the operation of the sound sources for the proposed seismic survey based upon the current acoustic exposure criteria shown in Table 4.

TABLE 4—NMFS' CURRENT ACOUSTIC EXPOSURE CRITERIA

Criterion	Criterion definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 microPa-m (cetaceans)/190 dB re 1 microPa-m (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 microPa-m (rms).

NMFS' practice is to apply the 160 dB re: 1 μPa received level threshold for underwater impulse sound levels to predict whether behavioral disturbance that rises to the level of Level B harassment is likely to occur. NMFS' practice is to apply the 180 dB re: 1 μPa received level threshold for underwater impulse sound levels to predict whether permanent threshold shift (auditory injury), which is considered Level A harassment, is likely to occur.

Acknowledging Uncertainties in Estimating Take

Given the many uncertainties in predicting the quantity and types of impacts of sound on marine mammals, it is common practice to estimate how

many animals are likely to be present within a particular distance of a given activity, or exposed to a particular level of sound and use that information to predict how many animals are taken. In practice, depending on the amount of information available to characterize daily and seasonal movement and distribution of affected marine mammals, distinguishing between the number of individuals harassed and the instances of harassment can be difficult to parse. Moreover, when one considers the duration of the activity, in the absence of information to predict the degree to which individual animals are likely exposed repeatedly on subsequent days, the simple assumption is that entirely new animals are exposed in every day, which results in a take estimate that in some circumstances overestimates the number of individuals harassed.

The following sections describe NMFS' methods to estimate take by incidental harassment. We base these estimates on the number of marine mammals that could be harassed by seismic operations with the airgun array during approximately 2,140 km (1,330 mi) of transect lines in the eastern Mediterranean Sea.

Modeled Number of Instances of Exposures in Territorial Waters and High Seas: Lamont-Doherty would conduct the proposed seismic survey within the EEZ and territorial waters of Greece. Greece's territorial seas to extend out to 6 nmi (7 mi; 11 km). The proposed survey would take place partially within Greece's territorial seas (less than 6 nmi [11 km; 7 mi] from the shore) and partially in the high seas. However, NMFS has no authority to authorize the incidental take of marine mammals in the territorial seas of foreign nations, because the MMPA does not apply in those waters. However, NMFS still needs to calculate the level of incidental take in the entire activity area (territorial seas and high seas) as part of the analysis supporting our preliminary determination under the MMPA that the activity will have a negligible impact on the affected species (Table 5). Therefore, NMFS presents estimates of the anticipated numbers of instances that marine mammals would be exposed to sound levels greater than or equal to 160, 180, and 190 dB re: 1 µPa during the proposed seismic survey, both for within the entire action area (*i.e.,* within Greece's territorial seas [less than 6 nmi] and outside of Greece's territorial seas [greater than 6 nmi]—Table 5. Table 6 represents the numbers of instances of take that NMFS proposes to authorize for this survey within the high seas portion of the survey (*i.e.,* the area beyond Greek territorial seas which is outside 6 nmi; 7 mi; 11 km).

NMFS' Take Estimate Method for Species with Density Information: For the proposed Authorization, NMFS reviewed Lamont-Doherty's take estimates presented in Table 3 of their application and propose a more appropriate methodology to estimate take. Lamont-Doherty's approach is to multiply the ensonified area by marine mammal densities (if available) to estimate take. This ''snapshot approach'' (*i.e.,* area times density) proposed by Lamont-Doherty, assumes a uniform distribution of marine mammals present within the proposed survey area and does not account for the survey occurring over a 16-day period and the overlap of areas across days in that 16-day period.

NMFS has developed an alternate approach that appropriately includes a time component to calculate the take estimates for the proposed survey. In order to estimate the potential number of instances that marine mammals could be exposed to airgun sounds above the 160-dB Level B harassment threshold and the 180-dB Level A harassment thresholds, NMFS used the following approach for species with density estimates:

(1) Calculate the total area that the *Langseth* would ensonify above the 160-dB Level B harassment threshold and above the 180-dB Level A harassment threshold for cetaceans within a 24-hour period. This calculation includes a daily ensonified area of approximately 1,211 square kilometers (km^2) [468 square miles (mi^2)] based on the *Langseth* traveling approximately 200 km [124 mi] in one day). Generally, the *Langseth* travels approximately 137 km in one day while conducting a seismic survey, thus, NMFS' estimate of a daily ensonified area based on 200 km is an estimation of the theoretical maximum that the *Langseth* could travel within 24 hours.

(2) Multiply the daily ensonified area above the 160-dB Level B harassment threshold by the species' density to derive the predicted number of instances of exposures to received levels greater than or equal to 160-dB re: 1 µPa on a given day;

(3) Multiply that product (*i.e.,* the expected number of instances of exposures within a day) by the number of survey days that includes a 25 percent contingency (*i.e.,* a total of 20 days) to derive the predicted number of instances of exposures over the duration of the survey;

(4) Multiply the daily ensonified area by each species-specific density to derive the predicted number of instances of exposures to received levels greater than or equal to 180-dB re: 1 µPa for cetaceans on a given day; and (*i.e.,* Level A takes).

(5) Multiply that product by the number of survey days that includes a 25 percent contingency (*i.e.,* a total of 20 days). Subtract that product from the predicted number of instances of exposures to received levels greater than or equal to 160-dB re: 1 µPa on a given day to derive the number of instances of exposures estimated to occur between 160 and 180-dB threshold (*i.e.,* Level B takes).

In many cases, this estimate of instances of exposures is likely an overestimate of the number of individuals that are taken, because it assumes 100 percent turnover in the area every day, (*i.e.,* that each new day results in takes of entirely new individuals with no repeat takes of the same individuals over the 20-day period). However, it is difficult to quantify to what degree NMFS has overestimated the number of individuals potentially affected. Except as described later for a few specific species, NMFS uses this number of instances as the estimate of individuals (and authorized take) even though NMFS is aware that the number is high. This method is a way to help understand the instances of exposure above the Level B and Level A thresholds, however, NMFS notes that method would overestimate the number of individual marine mammals exposed above the 160- or 180-dB threshold.

Take Estimates for Species with No Density Information: Density information for many species of marine mammals in the eastern Mediterranean Sea is data poor or non-existent. When density estimates were not available, NMFS used data based on dedicated survey sighting information from the Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys in 2010, 2011, and 2013 (AMAPPS, 2010, 2011, 2013) and Boisseau *et al.* (2010) to estimate take for certain species with no density information. NMFS assumed that Lamont-Doherty could potentially encounter one group of each species during the seismic survey. NMFS believes it is reasonable to use the average (mean) group size (weighted by effort and rounded up) from the AMMAPS surveys to estimate the take from these potential encounters. Those species include the following: Dwarf sperm and pygmy sperm whale (2 each), Gervais', Sowerby's, and Blainville's beaked whales (27 each).

For humpback whale and minke whale, the applicant requested 116 and 1,052 Level B takes for those species,

respectively to account for uncertainty in the likelihood of encountering those species during the proposed survey. For these two species which are considered as visitor and vagrant respectively, NMFS believes that it is reasonable to use the average (mean) group size (weighted by effort and rounded up) from the AMMAPS surveys for humpback whale (3) and minke whale (2) and multiply those estimates by 20 days to derive a more reasonable estimate of take. Thus, NMFS proposes a take estimate of 60 humpback whales and 40 minke whales to account for the unlikely possibility of an eruptive occurrence of these species within the proposed action area.

NMFS based the take estimates for rough-toothed dolphins (8), false killer whales (3), long-finned pilot whales (33) and harbor porpoise (1) on mean group size reported from encounter rates observed during visual and acoustic surveys in the Mediterranean Sea, 2003–2007 (Boisseau *et al.,* 2010).

For rarely sighted species such as the gray and Sei whale, NMFS used the mean group size reported in (Boisseau *et al.,* 2010) for Sei whales (1) as a proxy for a take estimate for gray whales (1).

NMFS based the take estimates for hooded seals (1) on stranding and sighting records for the western Mediterranean Sea (Bellido *et al.,* 2008). Based on the best available information, there are no reports of strandings or sightings of hooded seals east of the Gata Cape, Almeria, Span. Researchers suggest the Alboran Sea is the present limit of the sporadic incursion of this species in the Mediterranean Sea (Bellido *et al.,* 2008).

Take Estimates for Mediterranean Monk Seals: Density information for Mediterranean monk seals in the eastern Mediterranean Sea is also data poor or non-existent. NMFS used data based on sighting information from the Rapid Assessment Survey of the Mediterranean monk seal *Monachus monachus* population in Anafi Island, Cyclades Greece (MOm, 2014). Based on the spatial extent of the survey (three tracklines are approximately 4 km west of Anafi Island). NMFS estimates that the proposed survey could affect approximately 100 percent (25 out of approximately 25 individuals) of the monk seal subpopulation from Anafi Island (Mom, 2014) location within the proposed survey area.

Because adult female Mediterranean monk seals can travel up to 70 km (43 mi) (Adamantopoulou *et al.,* 2011) and based on the spatial extent of the survey in relation to the islands, NMFS conservatively estimates that the proposed survey could affect up to 8 adult females of the monk seal subpopulation from the Kimolos–Polyaigos Island complex in the Cyclades Islands (Politikos *et al.,* 2009) located approximately 60 km (37 mi) northwest of the outer perimeter of the 160-dB ensonified area. NMFS bases the estimate of 8 females on the estimated mean annual pup production count (7.9) for the island complex (UNEP, 2013).

To date, data is unavailable from any systematic survey on the presence of monk seal caves on Santorini Island (Pers. Comm. MOm, 2015). However, based on recent stranding information for one pup on Santorini Island, NMFS estimates that up to two individuals could be present on Santorini Island.

TABLE 5—DENSITIES, GROUP SIZE, AND ESTIMATES OF THE POSSIBLE NUMBER OF INSTANCES OF EXPOSURES OF MARINE MAMMALS EXPOSED TO SOUND LEVELS GREATER THAN OR EQUAL TO 160 dB RE: 1 μPa OVER 20 DAYS DURING THE PROPOSED SEISMIC SURVEY FOR THE ENTIRE ACTION AREA (WITHIN TERRITORIAL WATERS AND THE HIGH SEAS) IN THE EASTERN MEDITERRANEAN SEA

[November through December, 2015]

Species	Density estimate [1]	Modeled number of instances of exposures to sound levels ≥160, 180, and 190 dB [2]	Total number of instances of exposures [3]	Percent of regional population [4]	Population trend [5]
Gray whale	NA	1, 0, -	1	0.01	Unknown.
Humpback whale	NA	60, 0, -	60	0.52	Increasing.
Minke whale	NA	40, 0, -	40	0.19	Unknown.
Sei whale	NA	1, 0, -	1	0.28	Unknown.
Fin whale	[6] 0.00168	100, 20, -	120	2.40	Unknown.
Sperm whale	[7] 0.00052	40, 0, -	40	1.60	Unknown.
Dwarf sperm whale	NA	2, 0, -	2	0.05	Unknown.
Pygmy sperm whale	NA	2, 0, -	2	0.05	Unknown.
Cuvier's beaked whale	[8] 0.00156	100, 20, -	120	1.84	Unknown.
Blainville's beaked whale	NA	27, 0, -	27	0.38	Unknown.
Gervais' beaked whale	NA	27, 0, -	27	0.38	Unknown.
Sowerby's beaked whale	NA	27, 0, -	27	0.38	Unknown.
Bottlenose dolphin	[9] 0.043	2,940, 340, -	3,280	4.23	Unknown.
Rough-toothed dolphin	NA	8, 0, -	8	2.95	Unknown.
Striped dolphin	[10] 0.22	15,060, 1,700, -	16,760	7.18	Unknown.
Short-beaked common dolphin	[11] 0.03	2,060, 240, -	2,300	11.84	Decreasing.
Risso's dolphin	[12] 0.015	1,020, 120, -	1,140	6.25	Unknown.
False killer whale	NA	3, 0, -	3	0.68	Unknown.
Long-finned pilot whale	NA	33, 0 -	33	13.75	Unknown.
Harbor porpoise	NA	1, 0, -	1	0.001	Unknown.
Hooded seal	NA	1, -, 0	1	Unknown	Unknown.
Monk seal	NA	35, -, 0	35	10.26	In Review.

[1] Densities (where available) are expressed as number of individuals per km^2. NA = Not available.
[2] See preceding text for information on NMFS' take estimate calculations. NA = Not applicable.
[3] Modeled instances of exposures includes adjustments for species with no density information.
[4] Table 2 in this notice lists the stock species abundance estimates used in calculating the percentage of species/stock.
[5] Population trend information from Waring *et al.,* 2014. Population trend information for Mediterranean monk seals from MOm (Pers. Comm., 2015). Unknown = Insufficient data to determine population trend.
[6] Panigada *et al.,* 2011.
[7] Laran *et al.,* 2010.

[8] Density based on density for sperm whales (Laran *et al.,* 2010) and adjusted for proportional difference in sighting rates and mean group sizes between sperm and Cuvier's beaked whales in the Mediterranean Sea (Boisseau *et al.,* 2010).
[9] Fortuna *et al.,* 2011.
[10] Panigada *et al.,* 2011.
[11] Density based Laran et al. (2010) striped dolphin winter density adjusted for the proportional difference in striped dolphin to common dolphin sightings as indicated by surveys of the Ionian Sea (Notarbartolo di Sciara *et al.,* 1993).
[12] Gomez de Segura *et al.,* 2006. Fortuna *et al.,* 2011 reported 0.007 in the Adriatic, but noted that the estimate was not suitable for management purposes.

TABLE 6—DENSITIES, MEAN GROUP SIZE, AND ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS AND POPULATION PERCENTAGES EXPOSED TO SOUND LEVELS GREATER THAN OR EQUAL TO 160 dB RE: 1 μPa OVER 20 DAYS DURING THE PROPOSED SEISMIC SURVEY OUTSIDE OF TERRITORIAL WATERS AND THE HIGH SEAS IN THE EASTERN MEDITERRANEAN SEA

[November through December, 2015]

Species	Density estimate [1]	Modeled number of instances of exposures to sound levels ≥160, 180, and 190 dB [2] (outside territorial sea)	Authorized Level A take [3]	Authorized Level B take [3]	Percent of regional population [4]	Population trend [5]
Gray whale	NA	1, 0, -	0	1	0.01	Unknown.
Humpback whale	NA	60, 0, -	0	60	0.52	Increasing.
Minke whale	NA	40, 0, -	0	40	0.193	Unknown.
Sei whale	NA	1, 0, -	0	1	0.28	Unknown.
Fin whale	0.00168	40, 0, -	0	40	0.80	Unknown.
Sperm whale	0.00052	20, 0, -	0	20	0.80	Unknown.
Dwarf sperm whale	NA	2, 0, -	0	2	0.05	Unknown.
Pygmy sperm whale	NA	2, 0, -	0	2	0.05	Unknown.
Cuvier's beaked whale	0.00156	40, 0, -	0	40	0.61	Unknown.
Blainville's beaked whale	NA	27, 0, -	0	27	0.38	Unknown.
Gervais' beaked whale	NA	27, 0, -	0	27	0.38	Unknown.
Sowerby's beaked whale	NA	27, 0, -	0	27	0.38	Unknown.
Bottlenose dolphin	0.043	900, 160, -	160	900	1.37	Unknown.
Rough-toothed dolphin	NA	8, 0, -	0	8	2.95	Unknown.
Striped dolphin	0.22	4,560, 780, -	780	4,560	2.29	Unknown.
Short-beaked common dolphin	0.03	620, 100, -	100	620	3.71	Decreasing.
Risso's dolphin	0.015	320, 60, -	60	320	2.08	Unknown.
False killer whale	NA	3, 0, -	0	3	0.68	Unknown.
Long-finned pilot whale	NA	33, 0, -	0	33	13.75	Unknown.
Harbor porpoise	NA	1, 0, -	0	1	0.001	Unknown.
Hooded seal	NA	1, -, 0	0	1	Unknown	Unknown.
Monk seal	NA	35, -, 0	0	35	10.26	In Review.

[1] Densities (where available) are expressed as number of individuals per km^2. NA = Not available.
[2] See preceding text for information on NMFS' take estimate calculations. NA = Not applicable.
[3] Modeled instances of exposures includes adjustments for species with no density information. The Level A estimates are overestimates of predicted impacts to marine mammals as the estimates do not take into consideration the required mitigation measures for shutdowns or power downs if a marine mammal is likely to enter the 180 dB exclusion zone while the airguns are active.
[4] Table 2 in this notice lists the stock species abundance estimates used in calculating the percentage of species/stock or regional population.
[5] Population trend information from Waring *et al.,* 2014. Population trend information for Mediterranean monk seals from MOm (Pers. Comm., 2015). Unknown = Insufficient data to determine population trend.

Lamont-Doherty did not estimate any additional take from sound sources other than airguns. NMFS does not expect the sound levels produced by the echosounder and sub-bottom profiler to exceed the sound levels produced by the airguns. Lamont-Doherty will not operate the multibeam echosounder and sub-bottom profiler during transits to and from the survey area, (*i.e.,* when the airguns are not operating), and, therefore, NMFS does not anticipate additional takes from these sources in this particular case.

NMFS considers the probability for entanglement of marine mammals as low because of the vessel speed and the monitoring efforts onboard the survey vessel. Therefore, NMFS does not believe it is necessary to authorize additional takes for entanglement at this time.

The *Langseth* will operate at a relatively slow speed (typically 4.6 knots [8.5 km/h; 5.3 mph]) when conducting the survey. Protected species observers would monitor for marine mammals, which would trigger mitigation measures, including vessel avoidance where safe. Therefore, NMFS does not anticipate nor do we authorize takes of marine mammals from vessel strike.

There is no evidence that planned activities could result in serious injury or mortality within the specified geographic area for the requested proposed Authorization. The required mitigation and monitoring measures would minimize any potential risk for serious injury or mortality.

Preliminary Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). The lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population level effects) forms the basis of a negligible impact finding. Thus, an estimate of the number of takes, alone, is not enough information on which to

base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

In making a negligible impact determination, NMFS considers:

- The number of anticipated injuries, serious injuries, or mortalities;
- The number, nature, and intensity, and duration of harassment; and
- The context in which the takes occur (*e.g.,* impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/ contemporaneous actions when added to baseline data);
- The status of stock or species of marine mammals (*i.e.,* depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);
- Impacts on habitat affecting rates of recruitment/survival; and
- The effectiveness of monitoring and mitigation measures to reduce the number or severity of incidental take.

To avoid repetition, our analysis applies to all the species listed in Table 6, given that NMFS expects the anticipated effects of the seismic airguns to be similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat (*e.g.* Mediterranean monk seals), NMFS has identified species-specific factors to inform the analysis.

Given the required mitigation and related monitoring, NMFS does not anticipate that serious injury or mortality would occur as a result of Lamont-Doherty's proposed seismic survey in the eastern Mediterranean Sea. Thus the proposed authorization does not authorize any mortality.

NMFS' predicted estimates for Level A harassment take for bottlenose, striped, short-beaked common, and Risso's dolphins are overestimates of likely injury. NMFS expects that the required visual and acoustic mitigation measures would avoid Level A take in those instances. Also, NMFS expects that some individuals would avoid the source at levels expected to result in injury. NMFS expects that Level A harassment is unlikely but includes the modeled information in this notice. Taking into account that interactions at the modeled level of take for Level A harassment are unlikely due to Lamont-Doherty implementing required mitigation and monitoring measures, the likely avoidance of animals to the sound source, and Lamont-Doherty's previous history of successfully implementing required mitigation measures, the quantified potential injuries in Table 6, if incurred, would be in the form of some lesser degree of permanent threshold shift and not total deafness or mortality.

Given that the Hellenic Republic Ministry of Environment, Energy and Climate Change conducted a larger scale seismic survey in the eastern Mediterranean Sea from mid-November 2012 to end of January 2013, the addition of the increased sound due to the *Langseth's* operations associated with the proposed seismic survey during a shorter time-frame (approximately 20 days from mid-November to mid-December) is not outside the present experience of marine mammals in the eastern Mediterranean Sea, although levels may increase locally. NMFS does not expect that Lamont-Doherty's 20-day proposed survey would have effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Of the marine mammal species under our jurisdiction that are known to occur or likely to occur in the study area, six of these species are listed as endangered under the ESA including: The fin, humpback, gray, sei, and sperm whales and the Mediterranean monk seal. Population trends for the Mediterranean monk seal globally are variable with some sub populations decreasing and others remaining stable or even indicating slight increases. The western north Atlantic population of humpback whales is known to be increasing. The other marine mammal species that may be taken by harassment during Lamont-Doherty's seismic survey program are not listed as threatened or endangered under the ESA.

Cetaceans. Odontocete reactions to seismic energy pulses are usually thought to be limited to shorter distances from the airgun(s) than are those of mysticetes, in part because odontocete low-frequency hearing is assumed to be less sensitive than that of mysticetes. Given sufficient notice through relatively slow ship speed, NMFS expects marine mammals to move away from a noise source that is annoying prior to becoming potentially injurious.

Potential impacts to marine mammal habitat were discussed previously in this document (see the ''Anticipated Effects on Habitat'' section). Although some disturbance is possible to food sources of marine mammals, the impacts are anticipated to be minor enough as to not affect annual rates of recruitment or survival of marine mammals in the area. Based on the size of the eastern Mediterranean Sea where feeding by marine mammals occurs versus the localized area of the marine survey activities, any missed feeding opportunities in the direct project area will be minor based on the fact that other feeding areas exist elsewhere. Taking into account the planned mitigation measures, effects on cetaceans are generally expected to be restricted to avoidance of a limited area around the survey operation and short-term changes in behavior, falling within the MMPA definition of ''Level B harassment.'' Animals are not expected to permanently abandon any area that is surveyed, and any behaviors that are interrupted during the activity are expected to resume once the activity ceases. Only a small portion of marine mammal habitat will be affected at any time, and other areas within the Mediterranean Sea will be available for necessary biological functions.

Mediterranean Monk Seal. The Mediterranean monk seal is non-migratory and has a very limited home range (Gucu *et al.,* 2004; Dendrinos *et al.,* 2007a; Adamantopoulou *et al.,* 2011). It historically occupied open beaches, rocky shorelines, and spacious arching caves, but now almost exclusively uses secluded coastal caves for hauling out and breeding. Available data from Greece indicate that Mediterranean monk seals appear to have fairly restricted ranges (from about 100 to 1,000 km^2) (Adamantopoulou *et al.,* 2011). Although primary habitat seems to be nearshore shallow waters, movement over deep oceanic waters does occur (Adamantopoulou *et al.,* 2011; Dendrinos *et al.,* 2007a; Sergeant *et al.,* 1978). Unlike most other seal species, Mediterranean monk seals are known to haul-out in grottos or caves frequently accessible only by underwater entrances, (Bareham and Furreddu, 1975; Bayed *et al.* 2005; CMS, 2005; Dendrinos *et al.,* 2007b) and movement into and out of these locations is not clearly tied to sea or tide state, day or night, or sea/air temperature in some cases (Bareham and Furreddu, 1975; Dendrinos *et al.,* 2001; Marchessaux and Duguy, 1977; Sergeant *et al.,* 1978).

Monk seals are more particular when selecting caves for breeding versus caves for resting (Gücü *et al.,* 2004; Karamanlidis *et al.,* 2004; Dendrinos *et al.* 2007b). In Greece, the pupping season lasts from August to December with a peak in births during September through November (MOm, 2009). Suitable pupping sites tend to have multiple entrances with soft substrate beaches in their interior which lowers the risk of pup washout (Dendrinos *et al.,* 2007). There are several caves suitable for pupping and/or resting occur near the action area (Dendrinos *et al.,* 2008) including caves for resting and reproduction on Anafi Island located within the eastern perimeter of the proposed action area and on the Kimolos—Polyaigos Island complex located approximately 60 km (37 mi) northwest of the outer perimeter of the proposed action area (Mom, 2014). Taking into account the required mitigation measures to delay the proposed conduct of the three tracklines nearest to Anafi Island as late as possible (*i.e.,* late November to early December) and the required mitigation measure to shut down the airguns any time a pinniped is detected by observers around the vessel, effects on Mediterranean monk seal are generally expected to be restricted to avoidance of a limited area around the survey operation and short-term changes in behavior. NMFS does not expect that the proposed survey would ensonify the caves with pups because the cave's long entrance corridors which act as wave breakers (Dendrinos *et al.,* 2007) could also offer additional protection for lactating pups from sound generated during the proposed survey.

During parturition, lactating females leave the maternity caves as soon as possible after birth in search of food. Based upon a few tagged individuals, lactating female Mediterranean monk seals generally dive in waters 40–60 m deep and have a maximum known dive depth of 180 m (CMS, 2005). Monk seals may focus on areas shallower (2–25 m deep) while foraging (CMS, 2005). Pups tend to remain in shallow, nearshore waters and gradually distribute further from natal caves into waters up to 40 m deep (CMS, 2005; Gazo, 1997; Gazo et al., 2006). In Greek waters, seals may generally stay even closer to their haul-out locations (within a few miles) (Marchessaux and Duguy, 1977).

NMFS expects that it is unlikely that mothers would remain within the cave because of their need to forage and feed their pups. The closest approach of the *Langseth* to Anafi Island is approximately four km (2.5 mi) away from the northwest portion of the Island. During foraging, Mediterranean monk seal mothers may not react at all to the sound from the proposed survey or may alert, ignore the stimulus, change their behavior, or avoid the immediate area by swimming away or diving. Behavioral responses can range from a mild orienting response, or a shifting of attention, to flight and panic. Research and observations show that pinnipeds in the water are tolerant of anthropogenic noise and activity. They may react in a number of ways depending on their experience with the sound source and what activity they are engaged in at the time of the exposure. Significant behavioral effects are more likely at higher received levels within a few kilometers of the source and activities involving sound from the proposed survey would not occur within the caves where haulout and resting behaviors occur.

Taking into account the required mitigation measures to delay the conduct of survey lines acquired around Anafi Island and the required mitigation measure to shut down the airguns any time a pinniped is detected by observers around the vessel, effects on Mediterranean monk seals are generally expected to be restricted to avoidance of a limited area around the survey operation and short-term changes in behavior, falling within the MMPA definition of ''Level B harassment.'' NMFS does not expect the animals to permanently abandon their caves, and any behaviors interrupted during the activity are expected to resume once the short-term activity ceases or moves away.

For reasons stated previously in this document and based on the following factors, Lamont-Doherty's specified activities are not likely to cause long-term behavioral disturbance, permanent threshold shift, or other non-auditory injury, serious injury, or death. They include:

- The anticipated impacts of Lamont-Doherty's survey activities on marine mammals are temporary behavioral changes due to avoidance of the area;
- The likelihood that, given sufficient notice through relatively slow ship speed, NMFS expects marine mammals to move away from a noise source that is annoying prior to its becoming potentially injurious;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the operation of the airgun(s) to avoid acoustic harassment;
- NMFS also expects that the seismic survey would have no more than a temporary and minimal adverse effect on any fish or invertebrate species that serve as prey species for marine mammals, and therefore consider the potential impacts to marine mammal habitat minimal;
- The relatively low potential for temporary or permanent hearing impairment and the likelihood that Lamont-Doherty would avoid this impact through the incorporation of the required monitoring and mitigation measures; and
- The high likelihood that trained visual protected species observers would detect marine mammals at close proximity to the vessel.

Table 6 in this document outlines the number of requested Level A and Level B harassment takes that we anticipate as a result of these activities. NMFS anticipates that 22 marine mammal species could occur in the proposed action area.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (*i.e.,* 24 hour cycle). Behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). While NMFS anticipates that the seismic operations would occur on consecutive days, the estimated duration of the survey would last no more than 20 days but would increase sound levels in the marine environment in a relatively small area surrounding the vessel (compared to the range of most of the marine mammals within the proposed survey area), which is constantly travelling over distances, and some animals may only be exposed to and harassed by sound for less than a day.

Required mitigation measures, such as shutdowns for pinnipeds, vessel speed, course alteration, and visual monitoring would be implemented to help reduce impacts to marine mammals. Therefore, the exposure of pinnipeds to sounds produced by this phase of Lamont-Doherty's seismic survey is not anticipated to have an adverse effect on annual rates of recruitment or survival on the Mediterranean monk seal population, and therefore would have a negligible impact.

Based on the analysis herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that Lamont-Doherty's proposed seismic survey would have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that Lamont-Doherty's activities could potentially affect, by Level B harassment, 22 species of marine mammals under our jurisdiction. NMFS estimates that Lamont-Doherty's activities could potentially affect, by Level A harassment, up to four species of marine mammals under our jurisdiction.

For each species, the numbers of take being proposed for authorization are small numbers relative to the population sizes: Less than 14 percent for long-finned pilot whales, less than 11 percent of the regional population estimates of Mediterranean monk seals, and less than four percent or less for all other species. NMFS has provided the regional population and take estimates for the marine mammal species that may be taken by Level A and Level B harassment in Table 2 and Table 6 in this notice.

NMFS finds that the proposed incidental take described in Table 6 for the proposed activity would be limited to small numbers relative to the affected species or stocks. In addition to the quantitative methods used to estimate take, NMFS also considered qualitative factors that further support the ''small numbers'' determination, including: (1) The seasonal distribution and habitat use patterns of Mediterranean, which suggest that for much of the time only a small portion of the population will be accessible to impacts from Lamont-Doherty's activity; (2) the mitigation requirements, which provide spatio-temporal limitations that avoid impacts to large groups of large whales feeding in the action area and limit exposures to sound levels associated with Level A and Level B harassment; (3) the mitigation requirements, which provide spatio-temporal limitations that avoid impacts to Mediterranean monk seals in the action area and limit exposures to sound levels associated with Level A and Level B harassment; (4) the monitoring requirements and mitigation measures described earlier in this document for all marine mammal species that will further reduce the amount of takes; and (5) monitoring results from previous activities that indicated low numbers of marine mammal sightings within the Level A disturbance exclusion zone and low levels of Level B harassment takes of other marine mammals. Therefore, NMFS determined that the numbers of animals likely to be taken are small.

For two species, when considering take that would occur in the entire action area (including the part within the territorial seas, in which the MMPA does not apply) the number of instances is 11.84 for short-beaked common dolphins and 13.75 percent for short-beaked common dolphins, respectively (Table 5). While these additional takes were not evaluated under the ''small number'' standard because we are not authorizing them, these total takes (which are overestimates because NMFS' take estimate methodology assumes new exposures every day), were still considered in in our negligible impact determination, which considered all of the effects of the action, even those that occur outside of the jurisdiction of the MMPA.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action.

Endangered Species Act (ESA)

There are six marine mammal species listed as endangered under the Endangered Species Act that may occur in the proposed survey area. Under section 7 of the ESA, NSF has initiated formal consultation with NMFS on the proposed seismic survey. NMFS (*i.e.,* National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division) will also consult internally with NMFS on the proposed issuance of an Authorization under section 101(a)(5)(D) of the MMPA. NMFS and the Foundation will conclude the consultation prior to a determination on the proposed issuance of the Authorization.

National Environmental Policy Act (NEPA)

NSF has prepared a draft EA titled ''*Draft Environmental Analysis of a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Eastern Mediterranean Sea, November–December, 2015.''* NMFS has posted this document on our Web site concurrently with the publication of this notice. NMFS will independently evaluate NSF's NEPA documentation and determine whether or not to adopt it or prepare a separate NEPA analysis and incorporate relevant portions of NSF's draft EA by reference. NMFS will review all comments submitted in response to this notice to complete the NEPA process prior to making a final decision on the Authorization request.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes issuing an Authorization to Lamont-Doherty for conducting a seismic survey in the eastern Mediterranean Sea, mid-November through mid-December provided they incorporate the proposed mitigation, monitoring, and reporting requirements.

Draft Proposed Authorization

This section contains the draft text for the proposed Authorization. NMFS proposes to include this language in the Authorization if issued.

Incidental Harassment Authorization

We hereby authorize the Lamont-Doherty Earth Observatory (Lamont-Doherty), Columbia University, P.O. Box 1000, 61 Route 9W, Palisades, New York 10964–8000, under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to incidentally harass small numbers of marine mammals incidental to a marine geophysical survey conducted by the R/V *Marcus G. Langseth* (*Langseth*) marine geophysical survey in the eastern Mediterranean Sea mid-November through mid-December, 2015.

1. Effective Dates

This Authorization is valid from mid-November through December 31, 2015.

2. Specified Geographic Region

This Authorization is valid only for specified activities associated with the R/V *Marcus G. Langseth's* (*Langseth*) seismic operations as specified in Lamont-Doherty's Incidental Harassment Authorization (Authorization) application and environmental analysis in the following specified geographic area:

a. In the Aegean Sea, located approximately between 36.1–36.8° N and 24.7–26.1° E in the eastern Mediterranean Sea and over the Hellenic subduction zone which starts in the Aegean Sea at approximately 36.4° N, 23.9° E and runs to the southwest, ending at approximately 34.9° N, 22.6° E, as specified in Lamont-Doherty's application and the National Science Foundation's environmental analysis.

3. Species Authorized and Level of Takes

a. This authorization limits the incidental taking of marine mammals, by harassment only, to the following species in the area described Table 6. Take coverage is only for the area outside Greek territorial waters. The MMPA does not apply within Greek territorial waters.

i. During the seismic activities, if the Holder of this Authorization encounters

any marine mammal species that are not listed in Condition 3 for authorized taking and are likely to be exposed to sound pressure levels greater than or equal to 160 decibels (dB) re: 1 μPa, then the Holder must alter speed or course or shut-down the airguns to avoid take.

b. The taking by injury (Level A harassment), serious injury, or death of any of the species listed in Condition 3 or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

c. This Authorization limits the methods authorized for taking by Level B harassment to the following acoustic sources:

i. A sub-airgun array with a total capacity of 6,600 in^3 (or smaller);

4. Reporting Prohibited Take

The Holder of this Authorization must report the taking of any marine mammal in a manner prohibited under this Authorization immediately to the Office of Protected Resources, National Marine Fisheries Service, at 301–427–8401 and/or by email to the Chief, Permits and Conservation Division.

5. Cooperation

We require the Holder of this Authorization to cooperate with the Office of Protected Resources, National Marine Fisheries Service, and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals.

6. Mitigation and Monitoring Requirements

We require the Holder of this Authorization to implement the following mitigation and monitoring requirements when conducting the specified activities to achieve the least practicable adverse impact on affected marine mammal species or stocks:

Visual Observers

a. Utilize two, National Marine Fisheries Service-qualified, vessel-based Protected Species Visual Observers (visual observers) to watch for and monitor marine mammals near the seismic source vessel during daytime airgun operations (from civil twilight-dawn to civil twilight-dusk) and before and during start-ups of airguns day or night.

i. At least one visual observer will be on watch during meal times and restroom breaks.

ii. Observer shifts will last no longer than four hours at a time.

iii. Visual observers will also conduct monitoring while the *Langseth* crew deploy and recover the airgun array and streamers from the water.

iv. When feasible, visual observers will conduct observations during daytime periods when the seismic system is not operating for comparison of sighting rates and behavioral reactions during, between, and after airgun operations.

v. The *Langseth's* vessel crew will also assist in detecting marine mammals, when practicable. Visual observers will have access to reticle binoculars (7x50 Fujinon), and big-eye binoculars (25x150).

Exclusion Zones

b. Establish a 180-decibel (dB) or 190-dB exclusion zone for cetaceans and pinnipeds, respectively, before starting the airgun subarray (6,660 in^3); and a 180-dB or 190-dB exclusion zone for cetaceans and pinnipeds, respectively for the single airgun (40 in^3). Observers will use the predicted radius distance for the 180-dB or 190-dB exclusion zones for cetaceans and pinnipeds.

Visual Monitoring at the Start of Airgun Operations

c. Monitor the entire extent of the exclusion zones for at least 30 minutes (day or night) prior to the ramp-up of airgun operations after a shutdown.

d. Delay airgun operations if the visual observer sees a cetacean within the 180-dB exclusion zone for cetaceans or 190-dB exclusion zone for pinnipeds until the marine mammal(s) has left the area.

i. If the visual observer sees a marine mammal that surfaces, then dives below the surface, the observer shall wait 30 minutes. If the observer sees no marine mammals during that time, he/she should assume that the animal has moved beyond the 180-dB exclusion zone for cetaceans or 190-dB exclusion zone for pinnipeds.

ii. If for any reason the visual observer cannot see the full 180-dB exclusion zone for cetaceans or the 190-dB exclusion zone for pinnipeds for the entire 30 minutes (*i.e.,* rough seas, fog, darkness), or if marine mammals are near, approaching, or within zone, the *Langseth* may not resume airgun operations.

iii. If one airgun is already running at a source level of at least 180 dB re: 1 μPa or 190 dB re: 1 μPa, the *Langseth* may start the second gun—and subsequent airguns—without observing relevant exclusion zones for 30 minutes, provided that the observers have not seen any marine mammals near the relevant exclusion zones (in accordance with Condition 6(b)).

Passive Acoustic Monitoring

e. Utilize the passive acoustic monitoring (PAM) system, to the maximum extent practicable, to detect and allow some localization of marine mammals around the *Langseth* during all airgun operations and during most periods when airguns are not operating. One visual observer and/or bioacoustician will monitor the PAM at all times in shifts no longer than 6 hours. A bioacoustician shall design and set up the PAM system and be present to operate or oversee PAM, and available when technical issues occur during the survey.

f. Do and record the following when an observer detects an animal by the PAM:

i. Notify the visual observer immediately of a vocalizing marine mammal so a power-down or shut-down can be initiated, if required;

ii. enter the information regarding the vocalization into a database. The data to be entered include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position, and water depth when first detected, bearing if determinable, species or species group (*e.g.,* unidentified dolphin, sperm whale, monk seal), types and nature of sounds heard (*e.g.,* clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information.

Ramp-Up Procedures

g. Implement a ''ramp-up'' procedure when starting the airguns at the beginning of seismic operations or any time after the entire array has been shutdown, which means start the smallest gun first and add airguns in a sequence such that the source level of the array will increase in steps not exceeding approximately 6 dB per 5-minute period. During ramp-up, the observers will monitor the exclusion zone, and if marine mammals are sighted, a course/speed alteration, power-down, or shutdown will be implemented as though the full array were operational.

Recording Visual Detections

h. Visual observers must record the following information when they have sighted a marine mammal:

i. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing

and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.,* none, avoidance, approach, paralleling, etc., and including responses to ramp-up), and behavioral pace; and

ii. Time, location, heading, speed, activity of the vessel (including number of airguns operating and whether in state of ramp-up or shut-down), Beaufort sea state and wind force, visibility, and sun glare; and

iii. The data listed under 6(f)(ii) at the start and end of each observation watch and during a watch whenever there is a change in one or more of the variables.

Speed or Course Alteration

i. Alter speed or course during seismic operations if a marine mammal, based on its position and relative motion, appears likely to enter the relevant exclusion zone. If speed or course alteration is not safe or practicable, or if after alteration the marine mammal still appears likely to enter the exclusion zone, the Holder of this Authorization will implement further mitigation measures, such as a shutdown.

Power-Down Procedures

j. Power down the airguns if a visual observer detects a marine mammal within, approaching, or entering the relevant exclusion zones. A power-down means reducing the number of operating airguns to a single operating 40 in^3 airgun. This would reduce the exclusion zone to the degree that the animal(s) is outside of it.

Resuming Airgun Operations After a Power-Down

k. Following a power-down, if the marine mammal approaches the smaller designated exclusion zone, the airguns must then be completely shut-down. Airgun activity will not resume until the observer has visually observed the marine mammal(s) exiting the exclusion zone and is not likely to return, or has not been seen within the exclusion zone for 15 minutes for species with shorter dive durations (small odontocetes) or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales).

l. Following a power-down and subsequent animal departure, the *Langseth* may resume airgun operations at full power. Initiation requires that the observers can effectively monitor the full exclusion zones described in Condition 6(b). If the observer sees a marine mammal within or about to enter the relevant zones then the *Langseth* will implement a course/speed alteration, power-down, or shutdown.

Shutdown Procedures

m. Shutdown the airgun(s) if a visual observer detects a marine mammal within, approaching, or entering the relevant exclusion zone. A shutdown means that the *Langseth* turns off all operating airguns.

n. If any pinniped is visually sighted, the airgun array will be shut-down regardless of the distance of the animal(s) to the sound source. The array will not resume firing until 30 minutes after the last documented seal visual sighting.

Resuming Airgun Operations After a Shutdown

o. Following a shutdown, if the observer has visually confirmed that the animal has departed the 180-dB zone for cetaceans or the 190-dB zone for pinnipeds within a period of less than or equal to 8 minutes after the shutdown, then the *Langseth* may resume airgun operations at full power.

p. If the observer has not seen the animal depart the 180-dB zone for cetaceans or the 190-dB zone for pinnipeds, the *Langseth* shall not resume airgun activity until 15 minutes has passed for species with shorter dive times (*i.e.,* small odontocetes and pinnipeds) or 30 minutes has passed for species with longer dive durations (*i.e.,* mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales). The *Langseth* will follow the ramp-up procedures described in Conditions 6(g).

Survey Operations at Night

q. The *Langseth* may continue marine geophysical surveys into night and low-light hours if the Holder of the Authorization initiates these segment(s) of the survey when the observers can view and effectively monitor the full relevant exclusion zones.

r. This Authorization does not permit the Holder of this Authorization to initiate airgun array operations from a shut-down position at night or during low-light hours (such as in dense fog or heavy rain) when the visual observers cannot view and effectively monitor the full relevant exclusion zones.

s. To the maximum extent practicable, the Holder of this Authorization should schedule seismic operations (*i.e.,* shooting the airguns) during daylight hours.

Mitigation Airgun

t. The *Langseth* may operate a small-volume airgun (*i.e.,* mitigation airgun) during turns and maintenance at approximately one shot per minute. The *Langseth* would not operate the small-volume airgun for longer than three hours in duration during turns. During turns or brief transits between seismic tracklines, one airgun would continue to operate.

Special Procedures for Large Whale Concentrations

u. The *Langseth* will power-down the array and avoid concentrations of fin (*Balaenoptera physalus*) and/or sperm whales (*Physeter macrocephalus*) if possible (*i.e.,* avoid exposing concentrations of these animals to sounds greater than 160 dB re: 1 μPa). For purposes of the survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (*e.g.,* feeding, socializing, etc.). The *Langseth* will follow the procedures described in Conditions 6(k) for resuming operations after a power down.

7. Reporting Requirements

This Authorization requires the Holder of this Authorization to:

a. Submit a draft report on all activities and monitoring results to the Office of Protected Resources, National Marine Fisheries Service, within 90 days of the completion of the *Langseth's* cruise. This report must contain and summarize the following information:

i. Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort sea state and wind force), and associated activities during all seismic operations and marine mammal sightings;

ii. Species, number, location, distance from the vessel, and behavior of any marine mammals, as well as associated seismic activity (number of shutdowns), observed throughout all monitoring activities.

iii. An estimate of the number (by species) of marine mammals with known exposures to the seismic activity (based on visual observation) at received levels greater than or equal to 160 dB re: 1 μPa and/or 180 dB re 1 μPa for cetaceans and 190-dB re 1 μPa for pinnipeds and a discussion of any specific behaviors those individuals exhibited.

iv. An estimate of the number (by species) of marine mammals with estimated exposures (based on modeling results) to the seismic activity at received levels greater than or equal to 160 dB re: 1 μPa and/or 180 dB re 1 μPa for cetaceans and 190-dB re 1 μPa for pinnipeds with a discussion of the nature of the probable consequences of that exposure on the individuals.

v. A description of the implementation and effectiveness of the: (A) Terms and conditions of the Biological Opinion's Incidental Take Statement (attached); and (B) mitigation measures of the Incidental Harassment Authorization. For the Biological Opinion, the report will confirm the implementation of each Term and Condition, as well as any conservation recommendations, and describe their effectiveness, for minimizing the adverse effects of the action on Endangered Species Act listed marine mammals.

b. Submit a final report to the Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, within 30 days after receiving comments from us on the draft report. If we decide that the draft report needs no comments, we will consider the draft report to be the final report.

8. Reporting Prohibited Take

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization (if issued), such as an injury, serious injury, or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), Lamont-Doherty shall immediately cease the specified activities and immediately report the take to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Lamont-Doherty shall not resume its activities until we are able to review the circumstances of the prohibited take. We shall work with Lamont-Doherty to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Lamont-Doherty may not resume their activities until notified by us via letter, email, or telephone.

9. Reporting an Injured or Dead Marine Mammal With an Unknown Cause of Death

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as we describe in the next paragraph), the Observatory will immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with Lamont-Doherty to determine whether modifications in the activities are appropriate.

10. Reporting an Injured or Dead Marine Mammal Unrelated to the Activities

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Lamont-Doherty would report the incident to the the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email, within 24 hours of the discovery. The Observatory would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS.

11. Endangered Species Act Biological Opinion and Incidental Take Statement

Lamont-Doherty is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to the Endangered Species Act Biological Opinion issued to the National Science Foundation and NMFS' Office of Protected Resources, Permits and Conservation Division (attached). A copy of this Authorization and the Incidental Take Statement must be in the possession of all contractors and protected species observers operating under the authority of this Incidental Harassment Authorization.

Request for Public Comments

NMFS invites comments on our analysis, the draft authorization, and any other aspect of the Notice of proposed Authorization for Lamont-Doherty's activities. Please include any supporting data or literature citations with your comments to help inform our final decision on Lamont-Doherty's request for an application.

Dated: August 31, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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Part III

Department of Commerce

National Oceanic and Atmospheric Administration
Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Civilian Port Defense Activities at the Ports of Los Angeles/Long Beach, California; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE131

Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Civilian Port Defense Activities at the Ports of Los Angeles/Long Beach, California

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to Civilian Port defense activities within and near the Ports of Los Angeles and Long Beach from October through November 2015. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to the Navy to incidentally take, by Level B harassment only, marine mammals during the specified activity.

DATES: Comments and information must be received no later than October 5, 2015.

ADDRESSES: Comments on the Navy's IHA application (the application) should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *itp.fiorentino@noaa.gov.* Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for comments sent to addresses other than those provided here.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental/* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the application may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

The Navy is also preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA), to evaluate all components of the proposed Civilian Port Defense training activities. NMFS intends to adopt the Navy's EA, if adequate and appropriate. Currently, we believe that the adoption of the Navy's EA will allow NMFS to meet its responsibilities under NEPA for the issuance of an IHA to the Navy for Civilian Port Defense activities at the Ports of Los Angeles and Long Beach Harbor. If necessary, however, NMFS will supplement the existing analysis to ensure that we comply with NEPA prior to the issuance of the final IHA.

FOR FURTHER INFORMATION CONTACT: John Fiorentino, Office of Protected Resources, NMFS, (301) 427–8477.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

The National Defense Authorization Act of 2004 (NDAA) (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA): (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On April 16, 2015, NMFS received an application from the Navy requesting an IHA for the taking of marine mammals incidental to Civilian Port Defense activities at the Ports of Los Angeles and Long Beach, California from October through November, 2015.

The Study Area includes the waters within and near the Ports of Los Angeles and Long Beach, California. Since the Ports of Los Angeles and Long Beach are adjacent and are both encompassed within the larger proposed action area (Study Area) they will be described collectively as Los Angeles/Long Beach (see Figure 2–1 of the application for a map of the Study Area). These activities are classified as military readiness activities. Marine mammals present in the Study Area may be exposed to sound from active acoustic sources (sonar). The Navy is requesting authorization to take 7 marine mammal species by Level B harassment (behavioral). No injurious takes (Level A harassment) of marine mammals are predicted and, therefore, none are being authorized.

Description of the Specified Activity

Civilian Port Defense activities are naval mine warfare exercises conducted in support of maritime homeland defense, per the Maritime Operational Threat Response Plan. These activities are conducted in conjunction with other federal agencies, principally the Department of Homeland Security. The

three pillars of Mine Warfare include airborne (helicopter), surface (ship and unmanned vehicles), and undersea (divers, marine mammal systems, and unmanned vehicles), all of which are used in order to ensure that strategic U.S. ports are cleared of mine threats. Civilian Port Defense events are conducted in ports or major surrounding waterways, within the shipping lanes, and seaward to the 300 feet (ft, 91 meters [m]) depth contour. The events employ the use of various mine detection sensors, some of which utilize active acoustics for detection of mines and mine-like objects in and around various ports. Assets used during Civilian Port Defense training include up to four unmanned underwater vehicles, marine mammal systems, up to two helicopters operating (two to four hours) at altitudes as low as 75 to 100 ft (23 to 31 m), explosive ordnance disposal platoons, a Littoral Combat Ship or Landing Dock Platform and AVENGER class ships. The AVENGER is a surface mine countermeasure vessel specifically outfitted for mine countermeasure capability. The proposed Civilian Port Defense activities for Los Angeles/Long Beach include the use of up to 20 bottom placed non explosive mine training shapes. Mine shapes may be retrieved by Navy divers, typically explosive ordnance disposal personnel, and may be brought to beach side locations to ensure that the neutralization measures are effective and the shapes are secured. The final step to the beach side activity is the intelligence gathering and identifying how the mine works, disassembling it or neutralizing it. The entire training event takes place over multiple weeks utilizing a variety of assets and scenarios. The following descriptions detail the possible range of activities which could take place during a Civilian Port Defense training event. This is all inclusive and many of these activities are not included within the analysis of this specific event. Mine detection including towed or hull mounted sources would be the only portion of this event which we are proposing authorization.

Mine Detection Systems

Mine detection systems are used to locate, classify, and map suspected mines (Figure 1–1 of the application). Once located, the mines can either be neutralized or avoided. These systems are specialized to either locate mines on the surface, in the water column, or on the sea floor.

- Towed or Hull-Mounted Mine Detection Systems. These detection systems use acoustic and laser or video sensors to locate and classify suspect mines. Helicopters, ships, and unmanned vehicles are used with towed systems, which can rapidly assess large areas.
- Unmanned/Remotely Operated Vehicles. These vehicles use acoustic and video or lasers systems to locate and classify mines. Unmanned/remotely operated vehicles provide mine warfare capabilities in nearshore littoral areas, surf zones, ports, and channels.
- Airborne Laser Mine Detection Systems. Airborne laser detection systems work in concert with neutralization systems. The detection system initially locates mines and a neutralization system is then used to relocate and neutralize the mine.
- Marine Mammal Systems. Navy personnel and Navy marine mammals work together to detect specified underwater objects. The Navy deploys trained bottlenose dolphins and California sea lions as part of the marine mammal mine-hunting and object-recovery system.

Sonar systems to be used during Civilian Port Defense Mine Detection training would include AN/SQQ–32, AN/SLQ–48, AN/AQS–24, and handheld sonars (*e.g.,* AN/PQS–2A). Of these sonar sources, only the AN/SQQ–32 would require quantitative acoustic effects analysis, given its source parameters. The AN/SQQ–32 is a high frequency (between 10 and 200 kilohertz [kHz]) sonar system; the specific source parameters of the AN/SQQ–32 are classified. The AN/AQS–24, AN/SLQ–48 and handheld sonars are considered *de minimis* sources, which are defined as sources with low source levels, narrow beams, downward directed transmission, short pulse lengths, frequencies above known hearing ranges, or some combination of these factors (Department of the Navy 2013). *De minimis* sources have been determined to not have potential impact to marine mammals.

Mine Neutralization

Mine neutralization systems disrupt, disable, or detonate mines to clear ports and shipping lanes. Mine neutralization systems can clear individual mines or a large number of mines quickly. Two types of mine neutralization could be conducted, mechanical minesweeping and influence system minesweeping. Mechanical minesweeping consists of cutting the tether of mines moored in the water column or other means of physically releasing the mine. Moored mines cut loose by mechanical sweeping must then be neutralized or rendered safe for subsequent analysis. Influence minesweeping consists of simulating the magnetic, electric, acoustic, seismic, or pressure signature of a ship so that the mine detonates (no detonations would occur as part of the proposed training activities). Mine neutralization is included here to present the full spectrum of Civilian Port Defense Mine Warfare activities. The mine neutralization component of the proposed Civilian Port Defense training activities will not result in the incidental taking of marine mammals.

Dates, Duration, and Geographic Region

Civilian Port Defense training activities are scheduled every year, typically alternating between the east and west coasts of the United States. Civilian Port Defense activities in 2015 are proposed to occur on the U.S. west coast near Los Angeles/Long Beach, California. Civilian Port Defense events are typically conducted in areas of ports or major surrounding waterways and within the shipping lanes and seaward to the 300 ft (91 m) depth contour.

Civilian Port Defense activities would occur at the Ports of Los Angeles/Long Beach during October through November 2015 (Figure 2–1 of the application). The training exercise would occur for a period of two weeks in which active sonar would be utilized for two separate periods of four day long events. The AN/SQQ–32 sonar could be active for up to 24 hours a day during these training events; however, the use of the AN/SQQ–32 would not be continuously active during the four day long period. Additional activities would occur during this time and are analyzed within the Navy's Environmental Assessment for Civilian Port Defense training activities. The Navy has determined there is potential for take as defined under MMPA for military readiness activities. Specifically take has potential to occur from utilization of active sonar sources. This stressor is the only aspect of the proposed training activities for which this IHA is being requested.

The Ports of Los Angeles and Long Beach combined represent the busiest port along the U.S. West Coast and second busiest in the United States. In 2012 and 2013, approximately 4,550 and 4,500 vessel calls, respectively, for ships over 10,000 deadweight tons arrived at the Ports of Los Angeles and Long Beach (Louttit and Chavez 2014; U.S. Department of Transportation). This level of shipping would mean approximately 9,000 large ship transits to and from these ports and through the Study Area. By comparison, the next

nearest large regional port, Port of San Diego, only had 318 vessel calls in 2012.

Description of Marine Mammals in the Area of the Specified Activity

Nineteen marine mammal species are known to occur in the study area, including five mysticetes (baleen whales), nine odontocetes (dolphins and toothed whales), and five pinnipeds (seals and sea lions). Among these species are 31 stocks managed by NMFS. All species were quantitatively analyzed in the Navy Acoustic Effects Model (NAEMO; see Chapter 6.4 of the application for additional information on the modeling process). After completing the modeling simulations, seven species (each with a single stock) are estimated to potentially be taken by harassment as defined by the MMPA, as it applies to military readiness, during the proposed Civilian Port Defense activities due to use of active sonar sources. Based on a variety of factors, including source characterization, species presence, species hearing range, duration of exposure, and impact thresholds for species that may be present, the remainder of the species were not quantitatively predicted to be exposed to or affected by active acoustic transmissions related to the proposed activities that would result in harassment under the MMPA and, therefore, are not discussed further. Other potential stressors related to the proposed Civilian Port Defense activities (*e.g.,* vessel movement/noise, in water device use) would not result in disruption or alteration of breeding, feeding, or nursing patterns that that would rise to a level of significance under the MMPA. The seven species with the potential to be taken by harassment during the proposed training activities are presented in Table 1 and relevant information on their status, behavior, life history, distribution, abundance, and hearing and vocalization is presented in Chapter 4 of the application. Further information on the general biology and ecology of marine mammals is included in the Navy's EA. In addition, NMFS publishes annual SARs for marine mammals, including stocks that occur within the Study Area (*http://www.nmfs.noaa.gov/pr/species/mammals;* Carretta *et al.,* 2014; Allen and Angliss, 2014).

TABLE 1—MARINE MAMMAL SPECIES WITH ESTIMATED EXPOSURES ABOVE HARASSMENT THRESHOLDS IN THE STUDY AREA

Species	Stock	Stock abundance [1] (coefficient of variance)	Occurrence, seasonality, and duration in study area
Odontocetes			
Long-beaked common dolphin (*Delphinus capensis*).	California	107,016 (0.42)	Common inshore of 820 ft (250 m) isobath. Species may be more abundant in study area from May to October.
Short-beaked common dolphin (*Delphinus delphis*).	California, Oregon, Washington	411,211 (0.21)	Primary occurrence between the coast and 300 nautical miles (nm) from shore. Prefers water depths between 650 and 6,500 ft (200 and 2,000 m).
Risso's dolphin (*Grampus griseus*).	California, Oregon, Washington	6,272 (0.30)	Frequently observed in waters surrounding San Clemente Island, California. Occurs on the shelf in the Southern California Bight. Highest abundance is in the cold season.
Pacific white-sided dolphin (*Lagenorhynchus obilquidens*).	California, Oregon, Washington	26,930 (0.28)	Occurs primarily in shelf and slope waters of California; spends more time in California waters in colder water months.
Bottlenose dolphin coastal (*Tursiops truncatus*).	Coastal California	323 (0.13)	Small, limited population; found within 1,640 ft (500 m) of the shoreline 99 percent of the time and within 820 ft (250 m) 90 percent of the time.
Pinnipeds			
Harbor seal (*Phoca vitulina*)	California	[2] 30,196 (0.157)	Found in moderate numbers. Concentrate around haul-outs in the Channel Islands.
California sea lion (*Zalophus californianus*).	U.S.	296,750	Most common pinniped. Primarily congregate around the Channel Islands. Peak abundance is from May to August.

[1] From: Carretta et al. (2014). U.S. Pacific Marine Mammal Stock Assessments, 2013.
[2] NMFS' draft U.S. Pacific Marine Mammal Stock Assessments, 2014 is proposing a small revision to the California stock of harbor seals from 30,196 to 30,968. No other proposed revisions are anticipated for these species.

Marine Mammal Hearing and Vocalizations

Cetaceans have an auditory anatomy that follows the basic mammalian pattern, with some changes to adapt to the demands of hearing underwater. The typical mammalian ear is divided into an outer ear, middle ear, and inner ear. The outer ear is separated from the inner ear by a tympanic membrane, or eardrum. In terrestrial mammals, the outer ear, eardrum, and middle ear transmit airborne sound to the inner ear, where the sound waves are propagated through the cochlear fluid. Since the impedance of water is close to that of the tissues of a cetacean, the outer ear is not required to transduce sound energy as it does when sound waves travel from air to fluid (inner ear). Sound waves traveling through the inner ear cause the basilar membrane to vibrate. Specialized cells, called hair cells, respond to the vibration and produce nerve pulses that are transmitted to the central nervous system. Acoustic energy causes the basilar membrane in the cochlea to vibrate. Sensory cells at different positions along the basilar membrane are excited by different frequencies of sound (Pickles, 1998).

Marine mammal vocalizations often extend both above and below the range of human hearing; vocalizations with frequencies lower than 20 Hz are labeled as infrasonic and those higher than 20 kHz as ultrasonic (National

Research Council (NRC), 2003; Figure 4–1). Measured data on the hearing abilities of cetaceans are sparse, particularly for the larger cetaceans such as the baleen whales. The auditory thresholds of some of the smaller odontocetes have been determined in captivity. It is generally believed that cetaceans should at least be sensitive to the frequencies of their own vocalizations. Comparisons of the anatomy of cetacean inner ears and models of the structural properties and the response to vibrations of the ear's components in different species provide an indication of likely sensitivity to various sound frequencies. The ears of small toothed whales are optimized for receiving high-frequency sound, while baleen whale inner ears are best in low to infrasonic frequencies (Ketten, 1992; 1997; 1998).

Baleen whale vocalizations are composed primarily of frequencies below 1 kHz, and some contain fundamental frequencies as low as 16 Hz (Watkins *et al.,* 1987; Richardson *et al.,* 1995; Rivers, 1997; Moore *et al.,* 1998; Stafford *et al.,* 1999; Wartzok and Ketten, 1999) but can be as high as 24 kHz (humpback whale; Au *et al.,* 2006). Clark and Ellison (2004) suggested that baleen whales use low-frequency sounds not only for long-range communication, but also as a simple form of echo ranging, using echoes to navigate and orient relative to physical features of the ocean. Information on auditory function in baleen whales is extremely lacking. Sensitivity to low-frequency sound by baleen whales has been inferred from observed vocalization frequencies, observed reactions to playback of sounds, and anatomical analyses of the auditory system. Although there is apparently much variation, the source levels of most baleen whale vocalizations lie in the range of 150–190 dB re 1 microPascal (μPa) at 1 m. Low-frequency vocalizations made by baleen whales and their corresponding auditory anatomy suggest that they have good low-frequency hearing (Ketten, 2000), although specific data on sensitivity, frequency or intensity discrimination, or localization abilities are lacking. Marine mammals, like all mammals, have typical U-shaped audiograms that begin with relatively low sensitivity (high threshold) at some specified low frequency with increased sensitivity (low threshold) to a species specific optimum followed by a generally steep rise at higher frequencies (high threshold) (Fay, 1988).

The toothed whales produce a wide variety of sounds, which include species-specific broadband ''clicks'' with peak energy between 10 and 200 kHz, individually variable ''burst pulse'' click trains, and constant frequency or frequency-modulated (FM) whistles ranging from 4 to 16 kHz (Wartzok and Ketten, 1999). The general consensus is that the tonal vocalizations (whistles) produced by toothed whales play an important role in maintaining contact between dispersed individuals, while broadband clicks are used during echolocation (Wartzok and Ketten, 1999). Burst pulses have also been strongly implicated in communication, with some scientists suggesting that they play an important role in agonistic encounters (McCowan and Reiss, 1995), while others have proposed that they represent ''emotive'' signals in a broader sense, possibly representing graded communication signals (Herzing, 1996). Sperm whales, however, are known to produce only clicks, which are used for both communication and echolocation (Whitehead, 2003). Most of the energy of toothed whale social vocalizations is concentrated near 10 kHz, with source levels for whistles as high as 100 to 180 dB re 1 μPa at 1 m (Richardson *et al.,* 1995). No odontocete has been shown audiometrically to have acute hearing (<80 dB re 1 μPa) below 500 Hz (DoN, 2001). Sperm whales produce clicks, which may be used to echolocate (Mullins *et al.,* 1988), with a frequency range from less than 100 Hz to 30 kHz and source levels up to 230 dB re 1 μPa 1 m or greater (Mohl *et al.,* 2000).

Brief Background on Sound

An understanding of the basic properties of underwater sound is necessary to comprehend many of the concepts and analyses presented in this document. A summary is included below.

Sound is a wave of pressure variations propagating through a medium (*e.g.,* water). Pressure variations are created by compressing and relaxing the medium. Sound measurements can be expressed in two forms: intensity and pressure. Acoustic intensity is the average rate of energy transmitted through a unit area in a specified direction and is expressed in watts per square meter (W/m^2). Acoustic intensity is rarely measured directly, but rather from ratios of pressures; the standard reference pressure for underwater sound is 1 μPa; for airborne sound, the standard reference pressure is 20 μPa (Richardson *et al.,* 1995).

Acousticians have adopted a logarithmic scale for sound intensities, which is denoted in decibels (dB). Decibel measurements represent the ratio between a measured pressure value and a reference pressure value (in this case 1 μPa or, for airborne sound, 20 μPa). The logarithmic nature of the scale means that each 10-dB increase is a ten-fold increase in acoustic power (and a 20-dB increase is then a 100-fold increase in power; and a 30-dB increase is a 1,000-fold increase in power). A ten-fold increase in acoustic power does not mean that the sound is perceived as being ten times louder, however. Humans perceive a 10-dB increase in sound level as a doubling of loudness, and a 10-dB decrease in sound level as a halving of loudness. The term ''sound pressure level'' implies a decibel measure and a reference pressure that is used as the denominator of the ratio. Throughout this document, NMFS uses 1 μPa (denoted re: 1μPa) as a standard reference pressure unless noted otherwise.

It is important to note that decibel values underwater and decibel values in air are not the same (different reference pressures and densities/sound speeds between media) and should not be directly compared. Because of the different densities of air and water and the different decibel standards (*i.e.,* reference pressures) in air and water, a sound with the same level in air and in water would be approximately 62 dB lower in air. Thus, a sound that measures 160 dB (re 1 μPa) underwater would have the same approximate effective level as a sound that is 98 dB (re 20 μPa) in air.

Sound frequency is measured in cycles per second, or Hertz (abbreviated Hz), and is analogous to musical pitch; high-pitched sounds contain high frequencies and low-pitched sounds contain low frequencies. Natural sounds in the ocean span a huge range of frequencies: from earthquake noise at 5 Hz to harbor porpoise clicks at 150,000 Hz (150 kHz). These sounds are so low or so high in pitch that humans cannot even hear them; acousticians call these infrasonic (typically below 20 Hz) and ultrasonic (typically above 20,000 Hz) sounds, respectively. A single sound may be made up of many different frequencies together. Sounds made up of only a small range of frequencies are called ''narrowband'', and sounds with a broad range of frequencies are called ''broadband''; explosives are an example of a broadband sound source and active tactical sonars are an example of a narrowband sound source.

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities

(Richardson *et al.,* 1995; Southall *et al.,* 1997; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Southall *et al.* (2007) designated ''functional hearing groups'' for marine mammals based on available behavioral data; audiograms derived from auditory evoked potentials; anatomical modeling; and other data. Southall *et al.* (2007) also estimated the lower and upper frequencies of functional hearing for each group. However, animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range. Note that direct measurements of hearing sensitivity do not exist for all species of marine mammals, including low-frequency cetaceans. The functional hearing groups and the associated frequencies developed by Southall *et al.* (2007) were revised by Finneran and Jenkins (2012) and have been further modified by NOAA. Table 2 provides a summary of sound production and general hearing capabilities for marine mammal species (note that values in this table are not meant to reflect absolute possible maximum ranges, rather they represent the best known ranges of each functional hearing group). For purposes of the analysis in this document, marine mammals are arranged into the following functional hearing groups based on their generalized hearing sensitivities: High-frequency cetaceans, mid-frequency cetaceans, low-frequency cetaceans (mysticetes), phocids (true seals), otariids (sea lion and fur seals), and mustelids (sea otters). A detailed discussion of the functional hearing groups can be found in Southall et al. (2007) and Finneran and Jenkins (2012).

TABLE 2—MARINE MAMMAL FUNCTIONAL HEARING GROUPS

Functional hearing group	Functional hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 25 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 180 kHz.
Phocid pinnipeds (underwater) (true seals)	75 Hz to 100 kHz.
Otariid pinnipeds (underwater) (sea lions and fur seals)	100 Hz to 48 kHz.

Adapted and derived from Southall *et al.* (2007).

* Represents frequency band of hearing for entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Functional hearing is defined as the range of frequencies a group hears without incorporating non-acoustic mechanisms (Wartzok and Ketten, 1999). This is ~60 to ~70 dB above best hearing sensitivity (Southall *et al.,* 2007) for all functional hearing groups except LF cetaceans, where no direct measurements on hearing are available. For LF cetaceans, the lower range is based on recommendations from Southall *et al.,* 2007 and the upper range is based on information on inner ear anatomy and vocalizations.

When sound travels (propagates) from its source, its loudness decreases as the distance traveled by the sound increases. Thus, the loudness of a sound at its source is higher than the loudness of that same sound a kilometer away. Acousticians often refer to the loudness of a sound at its source (typically referenced to one meter from the source) as the source level and the loudness of sound elsewhere as the received level (*i.e.,* typically the receiver). For example, a humpback whale 3 km from a device that has a source level of 230 dB may only be exposed to sound that is 160 dB loud, depending on how the sound travels through water (*e.g.,* spherical spreading [3 dB reduction with doubling of distance] was used in this example). As a result, it is important to understand the difference between source levels and received levels when discussing the loudness of sound in the ocean or its impacts on the marine environment.

As sound travels from a source, its propagation in water is influenced by various physical characteristics, including water temperature, depth, salinity, and surface and bottom properties that cause refraction, reflection, absorption, and scattering of sound waves. Oceans are not homogeneous and the contribution of each of these individual factors is extremely complex and interrelated. The physical characteristics that determine the sound's speed through the water will change with depth, season, geographic location, and with time of day (as a result, in actual active sonar operations, crews will measure oceanic conditions, such as sea water temperature and depth, to calibrate models that determine the path the sonar signal will take as it travels through the ocean and how strong the sound signal will be at a given range along a particular transmission path). As sound travels through the ocean, the intensity associated with the wavefront diminishes, or attenuates. This decrease in intensity is referred to as propagation loss, also commonly called transmission loss.

Metrics Used in This Document

This section includes a brief explanation of the two sound measurements (sound pressure level (SPL) and sound exposure level (SEL)) frequently used to describe sound levels in the discussions of acoustic effects in this document.

Sound pressure level (SPL)—Sound pressure is the sound force per unit area, and is usually measured in micropascals (μPa), where 1 Pa is the pressure resulting from a force of one newton exerted over an area of one square meter. SPL is expressed as the ratio of a measured sound pressure and a reference level.

SPL (in dB) = 20 log (pressure/reference pressure)

The commonly used reference pressure level in underwater acoustics is 1 μPa, and the units for SPLs are dB re: 1 μPa. SPL is an instantaneous pressure measurement and can be expressed as the peak, the peak-peak, or the root mean square (rms). Root mean square pressure, which is the square root of the arithmetic average of the squared instantaneous pressure values, is typically used in discussions of the effects of sounds on vertebrates and all references to SPL in this document refer to the root mean square. SPL does not take the duration of exposure into account. SPL is the applicable metric used in the risk continuum, which is used to estimate behavioral harassment takes (see Level B Harassment Risk Function (Behavioral Harassment) Section).

Sound exposure level (SEL)—SEL is an energy metric that integrates the squared instantaneous sound pressure over a stated time interval. The units for SEL are dB re: 1 μPa^2-s. Below is a simplified formula for SEL.

SEL = SPL + 10 log (duration in seconds)

As applied to active sonar, the SEL includes both the SPL of a sonar ping

and the total duration. Longer duration pings and/or pings with higher SPLs will have a higher SEL. If an animal is exposed to multiple pings, the SEL in each individual ping is summed to calculate the cumulative SEL. The cumulative SEL depends on the SPL, duration, and number of pings received. The thresholds that NMFS uses to indicate at what received level the onset of temporary threshold shift (TTS) and permanent threshold shift (PTS) in hearing are likely to occur are expressed as cumulative SEL.

Potential Effects of the Specified Activity on Marine Mammals

The Navy has requested authorization for the take of marine mammals that may occur incidental to Civilian Port Defense training activities in the Study Area. The Navy has analyzed potential impacts to marine mammals from non-impulsive sound sources.

Other potential impacts to marine mammals from training activities in the Study Area were analyzed in the Navy's EA, and determined to be unlikely to result in marine mammal harassment. Therefore, the Navy has not requested authorization for take of marine mammals that might occur incidental to other components of its proposed activities. In this document, NMFS analyzes the potential effects on marine mammals from exposure to non-impulsive sound sources (active sonar).

For the purpose of MMPA authorizations, NMFS' effects assessments serve four primary purposes: (1) To prescribe the permissible methods of taking (*i.e.,* Level B harassment (behavioral harassment), Level A harassment (injury), or mortality, including an identification of the number and types of take that could occur by harassment or mortality) and to prescribe other means of effecting the least practicable adverse impact on such species or stock and its habitat (*i.e.,* mitigation); (2) to determine whether the specified activity would have a negligible impact on the affected species or stocks of marine mammals (based on the likelihood that the activity would adversely affect the species or stock through effects on annual rates of recruitment or survival); (3) to determine whether the specified activity would have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses; and (4) to prescribe requirements pertaining to monitoring and reporting.

More specifically, for activities involving non-impulsive sources (active sonar), NMFS' analysis will identify the probability of lethal responses, physical trauma, sensory impairment (permanent and temporary threshold shifts and acoustic masking), physiological responses (particular stress responses), behavioral disturbance (that rises to the level of harassment), and social responses (effects to social relationships) that would be classified as a take and whether such take would have a negligible impact on such species or stocks. This section focuses qualitatively on the different ways that non-impulsive sources may affect marine mammals (some of which NMFS would not classify as harassment). Then, in the Estimated Take of Marine Mammals section, the potential effects to marine mammals from non-impulsive sources will be related to the MMPA definitions of Level B harassment, and we will attempt to quantify those effects.

Non-Impulsive Sources

Direct Physiological Effects

Based on the literature, there are two basic ways that non-impulsive sources might directly result in physical trauma or damage: Noise-induced loss of hearing sensitivity (more commonly-called ''threshold shift'') and acoustically mediated bubble growth.

Threshold Shift (noise-induced loss of hearing)—When animals exhibit reduced hearing sensitivity (*i.e.,* sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced threshold shift (TS). An animal can experience temporary threshold shift (TTS) or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.,* there is complete recovery), can occur in specific frequency ranges (*i.e.,* an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

The following physiological mechanisms are thought to play a role in inducing auditory TS: Effects to sensory hair cells in the inner ear that reduce their sensitivity, modification of the chemical environment within the sensory cells, residual muscular activity in the middle ear, displacement of certain inner ear membranes, increased blood flow, and post-stimulatory reduction in both efferent and sensory neural output (Southall *et al.,* 2007). The amplitude, duration, frequency, temporal pattern, and energy distribution of sound exposure all can affect the amount of associated TS and the frequency range in which it occurs. As amplitude and duration of sound exposure increase, so, generally, does the amount of TS, along with the recovery time. For intermittent sounds, less TS could occur than compared to a continuous exposure with the same energy (some recovery could occur between intermittent exposures depending on the duty cycle between sounds) (Kryter *et al.,* 1966; Ward, 1997). For example, one short but loud (higher SPL) sound exposure may induce the same impairment as one longer but softer sound, which in turn may cause more impairment than a series of several intermittent softer sounds with the same total energy (Ward, 1997). Additionally, though TTS is temporary, prolonged exposure to sounds strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). Although in the case of mid- and high-frequency active sonar (MFAS/HFAS), animals are not expected to be exposed to levels high enough or durations long enough to result in PTS.

PTS is considered auditory injury (Southall *et al.,* 2007). Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007).

Although the published body of scientific literature contains numerous theoretical studies and discussion papers on hearing impairments that can occur with exposure to a loud sound, only a few studies provide empirical information on the levels at which noise-induced loss in hearing sensitivity occurs in nonhuman animals. For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran *et al.,* 2000, 2002b, 2003, 2005a, 2007, 2010a, 2010b; Finneran and Schlundt, 2010; Lucke *et al.,* 2009; Mooney *et al.,* 2009a, 2009b; Popov *et al.,* 2011a, 2011b; Kastelein *et al.,* 2012a; Schlundt *et al.,* 2000; Nachtigall *et al.,* 2003, 2004). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 1999, 2005; Kastelein *et al.,* 2012b).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so one can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Acoustically Mediated Bubble Growth—One theoretical cause of injury to marine mammals is rectified diffusion (Crum and Mao, 1996), the process of increasing the size of a bubble by exposing it to a sound field. This process could be facilitated if the environment in which the ensonified bubbles exist is supersaturated with gas. Repetitive diving by marine mammals can cause the blood and some tissues to accumulate gas to a greater degree than is supported by the surrounding environmental pressure (Ridgway and Howard, 1979). The deeper and longer dives of some marine mammals (for example, beaked whales) are theoretically predicted to induce greater supersaturation (Houser *et al.,* 2001b). If rectified diffusion were possible in marine mammals exposed to high-level sound, conditions of tissue supersaturation could theoretically speed the rate and increase the size of bubble growth. Subsequent effects due to tissue trauma and emboli would presumably mirror those observed in humans suffering from decompression sickness.

It is unlikely that the short duration of sonar pings would be long enough to drive bubble growth to any substantial size, if such a phenomenon occurs. However, an alternative but related hypothesis has also been suggested: Stable bubbles could be destabilized by high-level sound exposures such that bubble growth then occurs through static diffusion of gas out of the tissues. In such a scenario the marine mammal would need to be in a gas-supersaturated state for a long enough period of time for bubbles to become of a problematic size. Recent research with *ex vivo* supersaturated bovine tissues suggested that, for a 37 kHz signal, a sound exposure of approximately 215 dB referenced to (re) 1 μPa would be required before microbubbles became destabilized and grew (Crum *et al.,* 2005). Assuming spherical spreading loss and a nominal sonar source level of 235 dB re 1 μPa at 1 m, a whale would need to be within 10 m (33 ft.) of the sonar dome to be exposed to such sound levels. Furthermore, tissues in the study were supersaturated by exposing them to pressures of 400–700 kilopascals for periods of hours and then releasing them to ambient pressures. Assuming the equilibration of gases with the tissues occurred when the tissues were exposed to the high pressures, levels of supersaturation in the tissues could have been as high as 400–700 percent. These levels of tissue supersaturation are substantially higher than model predictions for marine mammals (Houser *et al.,* 2001; Saunders *et al.,* 2008). It is improbable that this mechanism is responsible for stranding events or traumas associated with beaked whale strandings. Both the degree of supersaturation and exposure levels observed to cause microbubble destabilization are unlikely to occur, either alone or in concert.

Yet another hypothesis (decompression sickness) has speculated that rapid ascent to the surface following exposure to a startling sound might produce tissue gas saturation sufficient for the evolution of nitrogen bubbles (Jepson *et al.,* 2003; Fernandez *et al.,* 2005; Fernández *et al.,* 2012). In this scenario, the rate of ascent would need to be sufficiently rapid to compromise behavioral or physiological protections against nitrogen bubble formation. Alternatively, Tyack *et al.* (2006) studied the deep diving behavior of beaked whales and concluded that: ''Using current models of breath-hold diving, we infer that their natural diving behavior is inconsistent with known problems of acute nitrogen supersaturation and embolism.'' Collectively, these hypotheses can be referred to as ''hypotheses of acoustically mediated bubble growth.''

Although theoretical predictions suggest the possibility for acoustically mediated bubble growth, there is considerable disagreement among scientists as to its likelihood (Piantadosi and Thalmann, 2004; Evans and Miller, 2003). Crum and Mao (1996) hypothesized that received levels would have to exceed 190 dB in order for there to be the possibility of significant bubble growth due to supersaturation of gases in the blood (*i.e.,* rectified diffusion). More recent work conducted by Crum *et al.* (2005) demonstrated the possibility of rectified diffusion for short duration signals, but at SELs and tissue saturation levels that are highly improbable to occur in diving marine mammals. To date, energy levels (ELs) predicted to cause in vivo bubble formation within diving cetaceans have not been evaluated (NOAA, 2002b). Although it has been argued that traumas from some recent beaked whale strandings are consistent with gas emboli and bubble-induced tissue separations (Jepson *et al.,* 2003), there is no conclusive evidence of this. However, Jepson *et al.* (2003, 2005) and Fernandez *et al.* (2004, 2005, 2012) concluded that in vivo bubble formation, which may be exacerbated by deep, long-duration, repetitive dives may explain why beaked whales appear to be particularly vulnerable to sonar exposures. Further investigation is needed to further assess the potential validity of these hypotheses.

Acoustic Masking

Marine mammals use acoustic signals for a variety of purposes, which differ among species, but include communication between individuals, navigation, foraging, reproduction, and learning about their environment (Erbe and Farmer, 2000; Tyack, 2000). Masking, or auditory interference, generally occurs when sounds in the environment are louder than and of a similar frequency to, auditory signals an animal is trying to receive. Masking is a phenomenon that affects animals that are trying to receive acoustic information about their environment, including sounds from other members of their species, predators, prey, and sounds that allow them to orient in their environment. Masking these acoustic signals can disturb the behavior of individual animals, groups of animals, or entire populations.

The extent of the masking interference depends on the spectral, temporal, and spatial relationships between the signals an animal is trying to receive and the masking noise, in addition to other factors. In humans, significant masking of tonal signals occurs as a result of

exposure to noise in a narrow band of similar frequencies. As the sound level increases, though, the detection of frequencies above those of the masking stimulus decreases also. This principle is expected to apply to marine mammals as well because of common biomechanical cochlear properties across taxa.

Richardson *et al.* (1995b) argued that the maximum radius of influence of an industrial noise (including broadband low frequency sound transmission) on a marine mammal is the distance from the source to the point at which the noise can barely be heard. This range is determined by either the hearing sensitivity of the animal or the background noise level present. Industrial masking is most likely to affect some species' ability to detect communication calls and natural sounds (*i.e.,* surf noise, prey noise, etc.; Richardson *et al.,* 1995).

The echolocation calls of toothed whales are subject to masking by high frequency sound. Human data indicate low-frequency sound can mask high-frequency sounds (*i.e.,* upward masking). Studies on captive odontocetes by Au *et al.* (1974, 1985, 1993) indicate that some species may use various processes to reduce masking effects (*e.g.,* adjustments in echolocation call intensity or frequency as a function of background noise conditions). There is also evidence that the directional hearing abilities of odontocetes are useful in reducing masking at the high-frequencies these cetaceans use to echolocate, but not at the low-to-moderate frequencies they use to communicate (Zaitseva *et al.,* 1980). A recent study by Nachtigall and Supin (2008) showed that false killer whales adjust their hearing to compensate for ambient sounds and the intensity of returning echolocation signals.

As mentioned previously, the functional hearing ranges of odontocetes and pinnipeds underwater overlap the frequencies of the high-frequency sonar source (*i.e.,* AN/SQQ–32) used in the Navy's training exercises. Additionally, species' vocal repertoires span across the frequencies of the sonar source used by the Navy. The closer the characteristics of the masking signal to the signal of interest, the more likely masking is to occur. For hull-mounted and towed sonar the pulse length and low duty cycle of the HFAS signal makes it less likely that masking would occur as a result. Further, the frequency band of the sonar is narrow, limiting the likelihood of auditory masking.

Impaired Communication

In addition to making it more difficult for animals to perceive acoustic cues in their environment, anthropogenic sound presents separate challenges for animals that are vocalizing. When they vocalize, animals are aware of environmental conditions that affect the ''active space'' of their vocalizations, which is the maximum area within which their vocalizations can be detected before it drops to the level of ambient noise (Brenowitz, 2004; Brumm *et al.,* 2004; Lohr *et al.,* 2003). Animals are also aware of environmental conditions that affect whether listeners can discriminate and recognize their vocalizations from other sounds, which is more important than simply detecting that a vocalization is occurring (Brenowitz, 1982; Brumm *et al.,* 2004; Dooling, 2004, Marten and Marler, 1977; Patricelli *et al.,* 2006). Most animals that vocalize have evolved with an ability to make adjustments to their vocalizations to increase the signal-to-noise ratio, active space, and recognizability/distinguishability of their vocalizations in the face of temporary changes in background noise (Brumm *et al.,* 2004; Patricelli *et al.,* 2006). Vocalizing animals can make adjustments to vocalization characteristics such as the frequency structure, amplitude, temporal structure, and temporal delivery.

Many animals will combine several of these strategies to compensate for high levels of background noise. Anthropogenic sounds that reduce the signal-to-noise ratio of animal vocalizations, increase the masked auditory thresholds of animals listening for such vocalizations, or reduce the active space of an animal's vocalizations impair communication between animals. Most animals that vocalize have evolved strategies to compensate for the effects of short-term or temporary increases in background or ambient noise on their songs or calls. Although the fitness consequences of these vocal adjustments remain unknown, like most other trade-offs animals must make, some of these strategies probably come at a cost (Patricelli *et al.,* 2006). For example, vocalizing more loudly in noisy environments may have energetic costs that decrease the net benefits of vocal adjustment and alter a bird's energy budget (Brumm, 2004; Wood and Yezerinac, 2006). Shifting songs and calls to higher frequencies may also impose energetic costs (Lambrechts, 1996).

Stress Responses

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg, 2000; Sapolsky *et al.,* 2005; Seyle, 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses.

In the case of many stressors, an animal's first and sometimes most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with ''stress.'' These responses have a relatively short duration and may or may not have significant long-term effect on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine systems; the system that has received the most study has been the hypothalamus-pituitary-adrenal system (also known as the HPA axis in mammals or the hypothalamus-pituitary-interrenal axis in fish and some reptiles). Unlike stress responses associated with the autonomic nervous system, virtually all neuro-endocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg, 1987; Rivier, 1995), altered metabolism (Elasser *et al.,* 2000), reduced immune competence (Blecha, 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic function, which impairs those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and its fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called ''distress'' (Seyle, 1950) or ''allostatic loading'' (McEwen and Wingfield, 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiments; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Information has also been collected on the physiological responses of marine mammals to exposure to anthropogenic sounds (Fair and Becker, 2000; Romano *et al.,* 2002; Wright *et al.,* 2008). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. In a conceptual model developed by the Population Consequences of Acoustic Disturbance (PCAD) working group, serum hormones were identified as possible indicators of behavioral effects that are translated into altered rates of reproduction and mortality. The Office of Naval Research hosted a workshop (Effects of Stress on Marine Mammals Exposed to Sound) in 2009 that focused on this very topic (ONR, 2009).

Studies of other marine animals and terrestrial animals would also lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to high frequency, mid-frequency and low-frequency sounds. For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (for example, elevated respiration and increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute, repetitive exposures to acoustic disturbance. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.* (2004a, 2004b), for example, identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.,* goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and to communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, it seems reasonable to assume that reducing an animal's ability to gather information about its environment and to communicate with other members of its species would be stressful for animals that use hearing as their primary sensory mechanism. Therefore, we assume that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses because terrestrial animals exhibit those responses under similar conditions (NRC, 2003). More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg, 2000), we also assume that stress responses are likely to persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

Behavioral Disturbance

Behavioral responses to sound are highly variable and context-specific. Many different variables can influence an animal's perception of and response to (nature and magnitude) an acoustic event. An animal's prior experience with a sound or sound source effects whether it is less likely (habituation) or more likely (sensitization) to respond to certain sounds in the future (animals can also be innately pre-disposed to respond to certain sounds in certain ways) (Southall *et al.,* 2007). Related to the sound itself, the perceived nearness of the sound, bearing of the sound (approaching vs. retreating), similarity of a sound to biologically relevant sounds in the animal's environment (*i.e.,* calls of predators, prey, or conspecifics), and familiarity of the sound may affect the way an animal responds to the sound (Southall *et al.,* 2007). Individuals (of different age, gender, reproductive status, etc.) among most populations will have variable hearing capabilities, and differing behavioral sensitivities to sounds that will be affected by prior conditioning, experience, and current activities of those individuals. Often, specific acoustic features of the sound and contextual variables (*i.e.,* proximity, duration, or recurrence of the sound or the current behavior that the marine mammal is engaged in or its prior experience), as well as entirely separate factors such as the physical presence of a nearby vessel, may be more relevant to the animal's response than the received level alone.

Exposure of marine mammals to sound sources can result in no response or responses including, but not limited to: Increased alertness; orientation or attraction to a sound source; vocal modifications; cessation of feeding; cessation of social interaction; alteration of movement or diving behavior; habitat abandonment (temporary or permanent); and, in severe cases, panic, flight, stampede, or stranding, potentially resulting in death (Southall *et al.,* 2007). A review of marine mammal responses to anthropogenic sound was first conducted by Richardson and others in 1995. A more recent review (Nowacek *et al.,* 2007) addresses studies conducted since 1995 and focuses on observations where the received sound level of the exposed marine mammal(s) was known or could be estimated. The following sub-sections provide examples of behavioral responses that provide an idea of the variability in behavioral

responses that would be expected given the differential sensitivities of marine mammal species to sound and the wide range of potential acoustic sources to which a marine mammal may be exposed. Estimates of the types of behavioral responses that could occur for a given sound exposure should be determined from the literature that is available for each species, or extrapolated from closely related species when no information exists.

Flight Response—A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). Flight responses have been speculated as being a component of marine mammal strandings associated with sonar activities (Evans and England, 2001).

Response to Predator—Evidence suggests that at least some marine mammals have the ability to acoustically identify potential predators. For example, harbor seals that reside in the coastal waters off British Columbia are frequently targeted by certain groups of killer whales, but not others. The seals discriminate between the calls of threatening and non-threatening killer whales (Deecke *et al.,* 2002), a capability that should increase survivorship while reducing the energy required for attending to and responding to all killer whale calls. The occurrence of masking or hearing impairment provides a means by which marine mammals may be prevented from responding to the acoustic cues produced by their predators. Whether or not this is a possibility depends on the duration of the masking/hearing impairment and the likelihood of encountering a predator during the time that predator cues are impeded.

Diving—Changes in dive behavior can vary widely. They may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive. Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. Variations in dive behavior may also expose an animal to potentially harmful conditions (*e.g.,* increasing the chance of ship-strike) or may serve as an avoidance response that enhances survivorship. The impact of a variation in diving resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Nowacek *et al.* (2004) reported disruptions of dive behaviors in foraging North Atlantic right whales when exposed to an alerting stimulus, an action, they noted, that could lead to an increased likelihood of ship strike. However, the whales did not respond to playbacks of either right whale social sounds or vessel noise, highlighting the importance of the sound characteristics in producing a behavioral reaction. Conversely, Indo-Pacific humpback dolphins have been observed to dive for longer periods of time in areas where vessels were present and/or approaching (Ng and Leung, 2003). In both of these studies, the influence of the sound exposure cannot be decoupled from the physical presence of a surface vessel, thus complicating interpretations of the relative contribution of each stimulus to the response. Indeed, the presence of surface vessels, their approach, and speed of approach, seemed to be significant factors in the response of the Indo-Pacific humpback dolphins (Ng and Leung, 2003). Low frequency signals of the Acoustic Thermometry of Ocean Climate (ATOC) sound source were not found to affect dive times of humpback whales in Hawaiian waters (Frankel and Clark, 2000) or to overtly affect elephant seal dives (Costa *et al.,* 2003). They did, however, produce subtle effects that varied in direction and degree among the individual seals, illustrating the equivocal nature of behavioral effects and consequent difficulty in defining and predicting them.

Due to past incidents of beaked whale strandings associated with sonar operations, feedback paths are provided between avoidance and diving and indirect tissue effects. This feedback accounts for the hypothesis that variations in diving behavior and/or avoidance responses can possibly result in nitrogen tissue supersaturation and nitrogen off-gassing, possibly to the point of deleterious vascular bubble formation (Jepson *et al.,* 2003). Although hypothetical, discussions surrounding this potential process are controversial.

Foraging—Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. Noise from seismic surveys was not found to impact the feeding behavior in western grey whales off the coast of Russia (Yazvenko *et al.,* 2007) and sperm whales engaged in foraging dives did not abandon dives when exposed to distant signatures of seismic airguns (Madsen *et al.,* 2006). However, Miller *et al.* (2009) reported buzz rates (a proxy for feeding) 19 percent lower during exposure to distant signatures of seismic airguns. Balaenopterid whales exposed to moderate low-frequency signals similar to the ATOC sound source demonstrated no variation in foraging activity (Croll *et al.,* 2001), whereas five out of six North Atlantic right whales exposed to an acoustic alarm interrupted their foraging dives (Nowacek *et al.,* 2004). Although the received sound pressure levels were similar in the latter two studies, the frequency, duration, and temporal pattern of signal presentation were different. These factors, as well as differences in species sensitivity, are likely contributing factors to the differential response. Blue whales exposed to simulated mid-frequency sonar in the Southern California Bight were less likely to produce low frequency calls usually associated with feeding behavior (Melcón *et al.,* 2012). It is not known whether the lower rates of calling actually indicated a reduction in feeding behavior or social contact since the study used data from remotely deployed, passive acoustic monitoring buoys. In contrast, blue whales increased their likelihood of calling when ship noise was present, and decreased their likelihood of calling in the presence of explosive noise, although this result was not statistically significant (Melcón *et al.,* 2012). Additionally, the likelihood of an animal calling decreased with the increased received level of mid-frequency sonar, beginning at a SPL of approximately 110–120 dB re 1 μPa (Melcón *et al.,* 2012). Preliminary results from the 2010–2011 field season of an ongoing behavioral response study in Southern California waters indicated that, in some cases and at low received levels, tagged blue whales responded to mid-frequency sonar but that those responses were mild and there was a quick return to their baseline activity (Southall *et al.,* 2011). A determination of whether foraging disruptions incur fitness consequences will require information on or estimates of the energetic requirements of the individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal. Goldbogen *et al.,* (2013) monitored behavioral responses of tagged blue whales located in feeding areas when exposed simulated MFA

sonar. Responses varied depending on behavioral context, with deep feeding whales being more significantly affected (*i.e.,* generalized avoidance; cessation of feeding; increased swimming speeds; or directed travel away from the source) compared to surface feeding individuals that typically showed no change in behavior. Non-feeding whales also seemed to be affected by exposure. The authors indicate that disruption of feeding and displacement could impact individual fitness and health. However, for this to be true, we would have to assume that an individual whale could not compensate for this lost feeding opportunity by either immediately feeding at another location, by feeding shortly after cessation of acoustic exposure, or by feeding at a later time. There is no indication this is the case, particularly since unconsumed prey would likely still be available in the environment in most cases following the cessation of acoustic exposure.

Breathing—Variations in respiration naturally vary with different behaviors and variations in respiration rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Mean exhalation rates of gray whales at rest and while diving were found to be unaffected by seismic surveys conducted adjacent to the whale feeding grounds (Gailey *et al.,* 2007). Studies with captive harbor porpoises showed increased respiration rates upon introduction of acoustic alarms (Kastelein *et al.,* 2001; Kastelein *et al.,* 2006a) and emissions for underwater data transmission (Kastelein *et al.,* 2005). However, exposure of the same acoustic alarm to a striped dolphin under the same conditions did not elicit a response (Kastelein *et al.,* 2006a), again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (Southall *et al.,* 2007; Henderson *et al.,* 2014).

Social Relationships—Social interactions between mammals can be affected by noise via the disruption of communication signals or by the displacement of individuals. Disruption of social relationships therefore depends on the disruption of other behaviors (*e.g.,* caused avoidance, masking, etc.) and no specific overview is provided here. However, social disruptions must be considered in context of the relationships that are affected. Long-term disruptions of mother/calf pairs or mating displays have the potential to affect the growth and survival or reproductive effort/success of individuals, respectively.

Vocalizations (also see Masking Section)—Vocal changes in response to anthropogenic noise can occur across the repertoire of sound production modes used by marine mammals, such as whistling, echolocation click production, calling, and singing. Changes may result in response to a need to compete with an increase in background noise or may reflect an increased vigilance or startle response. For example, in the presence of low-frequency active sonar, humpback whales have been observed to increase the length of their ''songs'' (Miller *et al.,* 2000; Fristrup *et al.,* 2003), possibly due to the overlap in frequencies between the whale song and the low-frequency active sonar. A similar compensatory effect for the presence of low-frequency vessel noise has been suggested for right whales; right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007). Killer whales off the northwestern coast of the U.S. have been observed to increase the duration of primary calls once a threshold in observing vessel density (*e.g.,* whale watching) was reached, which has been suggested as a response to increased masking noise produced by the vessels (Foote *et al.,* 2004; NOAA, 2014b). In contrast, both sperm and pilot whales potentially ceased sound production during the Heard Island feasibility test (Bowles *et al.,* 1994), although it cannot be absolutely determined whether the inability to acoustically detect the animals was due to the cessation of sound production or the displacement of animals from the area.

Avoidance—Avoidance is the displacement of an individual from an area as a result of the presence of a sound. Richardson *et al.,* (1995) noted that avoidance reactions are the most obvious manifestations of disturbance in marine mammals. It is qualitatively different from the flight response, but also differs in the magnitude of the response (*i.e.,* directed movement, rate of travel, etc.). Oftentimes avoidance is temporary, and animals return to the area once the noise has ceased. Longer term displacement is possible, however, which can lead to changes in abundance or distribution patterns of the species in the affected region if they do not become acclimated to the presence of the sound (Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006). Acute avoidance responses have been observed in captive porpoises and pinnipeds exposed to a number of different sound sources (Kastelein *et al.,* 2001; Finneran *et al.,* 2003; Kastelein *et al.,* 2006a; Kastelein *et al.,* 2006b). Short-term avoidance of seismic surveys, low frequency emissions, and acoustic deterrents have also been noted in wild populations of odontocetes (Bowles *et al.,* 1994; Goold, 1996; 1998; Stone *et al.,* 2000; Morton and Symonds, 2002) and to some extent in mysticetes (Gailey *et al.,* 2007), while longer term or repetitive/chronic displacement for some dolphin groups and for manatees has been suggested to be due to the presence of chronic vessel noise (Haviland-Howell *et al.,* 2007; Miksis-Olds *et al.,* 2007).

Maybaum (1993) conducted sound playback experiments to assess the effects of MFAS on humpback whales in Hawaiian waters. Specifically, she exposed focal pods to sounds of a 3.3-kHz sonar pulse, a sonar frequency sweep from 3.1 to 3.6 kHz, and a control (blank) tape while monitoring behavior, movement, and underwater vocalizations. The two types of sonar signals (which both contained mid- and low-frequency components) differed in their effects on the humpback whales, but both resulted in avoidance behavior. The whales responded to the pulse by increasing their distance from the sound source and responded to the frequency sweep by increasing their swimming speeds and track linearity. In the Caribbean, sperm whales avoided exposure to mid-frequency submarine sonar pulses, in the range of 1000 Hz to 10,000 Hz (IWC 2005).

Kvadsheim *et al.,* (2007) conducted a controlled exposure experiment in which killer whales fitted with D-tags were exposed to mid-frequency active sonar (Source A: a 1.0 second upsweep 209 dB @1–2 kHz every 10 seconds for 10 minutes; Source B: with a 1.0 second upsweep 197 dB @6–7 kHz every 10 seconds for 10 minutes). When exposed to Source A, a tagged whale and the group it was traveling with did not appear to avoid the source. When exposed to Source B, the tagged whales along with other whales that had been carousel feeding, ceased feeding during the approach of the sonar and moved rapidly away from the source. When exposed to Source B, Kvadsheim and his co-workers reported that a tagged killer whale seemed to try to avoid further exposure to the sound field by the following behaviors: immediately swimming away (horizontally) from the source of the sound; engaging in a series of erratic and frequently deep dives that seemed to take it below the sound field;

or swimming away while engaged in a series of erratic and frequently deep dives. Although the sample sizes in this study are too small to support statistical analysis, the behavioral responses of the orcas were consistent with the results of other studies.

In 2007, the first in a series of behavioral response studies, a collaboration by the Navy, NMFS, and other scientists showed one beaked whale (*Mesoplodon densirostris*) responding to an MFAS playback. Tyack *et al.* (2011) indicates that the playback began when the tagged beaked whale was vocalizing at depth (at the deepest part of a typical feeding dive), following a previous control with no sound exposure. The whale appeared to stop clicking significantly earlier than usual, when exposed to mid-frequency signals in the 130–140 dB (rms) received level range. After a few more minutes of the playback, when the received level reached a maximum of 140–150 dB, the whale ascended on the slow side of normal ascent rates with a longer than normal ascent, at which point the exposure was terminated. The results are from a single experiment and a greater sample size is needed before robust and definitive conclusions can be drawn.

Tyack *et al.* (2011) also indicates that Blainville's beaked whales appear to be sensitive to noise at levels well below expected TTS (~160 dB re 1 µPa). This sensitivity is manifest by an adaptive movement away from a sound source. This response was observed irrespective of whether the signal transmitted was within the band width of MFAS, which suggests that beaked whales may not respond to the specific sound signatures. Instead, they may be sensitive to any pulsed sound from a point source in this frequency range. The response to such stimuli appears to involve maximizing the distance from the sound source.

Stimpert *et al.* (2014) tagged a Baird's beaked whale, which was subsequently exposed to simulated mid-frequency sonar. Changes in the animal's dive behavior and locomotion were observed when received level reached 127 dB re 1 µPa.

Results from a 2007–2008 study conducted near the Bahamas showed a change in diving behavior of an adult Blainville's beaked whale to playback of mid-frequency source and predator sounds (Boyd *et al.,* 2008; Southall *et al.* 2009; Tyack *et al.,* 2011). Reaction to mid-frequency sounds included premature cessation of clicking and termination of a foraging dive, and a slower ascent rate to the surface. Results from a similar behavioral response study in southern California waters have been presented for the 2010–2011 field season (Southall *et al.* 2011; DeRuiter *et al.,* 2013b). DeRuiter *et al.* (2013b) presented results from two Cuvier's beaked whales that were tagged and exposed to simulated mid-frequency active sonar during the 2010 and 2011 field seasons of the southern California behavioral response study. The 2011 whale was also incidentally exposed to mid-frequency active sonar from a distant naval exercise. Received levels from the mid-frequency active sonar signals from the controlled and incidental exposures were calculated as 84–144 and 78–106 dB re 1 µPa root mean square (rms), respectively. Both whales showed responses to the controlled exposures, ranging from initial orientation changes to avoidance responses characterized by energetic fluking and swimming away from the source. However, the authors did not detect similar responses to incidental exposure to distant naval sonar exercises at comparable received levels, indicating that context of the exposures (*e.g.,* source proximity, controlled source ramp-up) may have been a significant factor. Cuvier's beaked whale responses suggested particular sensitivity to sound exposure as consistent with results for Blainville's beaked whale. Similarly, beaked whales exposed to sonar during British training exercises stopped foraging (DSTL, 2007), and preliminary results of controlled playback of sonar may indicate feeding/foraging disruption of killer whales and sperm whales (Miller *et al.,* 2011).

In the 2007–2008 Bahamas study, playback sounds of a potential predator—a killer whale—resulted in a similar but more pronounced reaction, which included longer inter-dive intervals and a sustained straight-line departure of more than 20 km from the area. The authors noted, however, that the magnified reaction to the predator sounds could represent a cumulative effect of exposure to the two sound types since killer whale playback began approximately 2 hours after mid-frequency source playback. Pilot whales and killer whales off Norway also exhibited horizontal avoidance of a transducer with outputs in the mid-frequency range (signals in the 1–2 kHz and 6–7 kHz ranges) (Miller *et al.,* 2011). Additionally, separation of a calf from its group during exposure to mid-frequency sonar playback was observed on one occasion (Miller *et al.,* 2011). In contrast, preliminary analyses suggest that none of the pilot whales or false killer whales in the Bahamas showed an avoidance response to controlled exposure playbacks (Southall *et al.,* 2009).

Through analysis of the behavioral response studies, a preliminary overarching effect of greater sensitivity to all anthropogenic exposures was seen in beaked whales compared to the other odontocetes studied (Southall *et al.,* 2009). Therefore, recent studies have focused specifically on beaked whale responses to active sonar transmissions or controlled exposure playback of simulated sonar on various military ranges (Defence Science and Technology Laboratory, 2007; Claridge and Durban, 2009; Moretti *et al.,* 2009; McCarthy *et al.,* 2011; Tyack *et al.,* 2011). In the Bahamas, Blainville's beaked whales located on the range will move off-range during sonar use and return only after the sonar transmissions have stopped, sometimes taking several days to do so (Claridge and Durban 2009; Moretti *et al.,* 2009; McCarthy *et al.,* 2011; Tyack *et al.,* 2011). Moretti *et al.* (2014) used recordings from seafloor-mounted hydrophones at the Atlantic Undersea Test and Evaluation Center (AUTEC) to analyze the probability of Blainsville's beaked whale dives before, during, and after Navy sonar exercises.

Orientation—A shift in an animal's resting state or an attentional change via an orienting response represent behaviors that would be considered mild disruptions if occurring alone. As previously mentioned, the responses may co-occur with other behaviors; for instance, an animal may initially orient toward a sound source, and then move away from it. Thus, any orienting response should be considered in context of other reactions that may occur.

Behavioral Responses

Southall *et al.* (2007) reports the results of the efforts of a panel of experts in acoustic research from behavioral, physiological, and physical disciplines that convened and reviewed the available literature on marine mammal hearing and physiological and behavioral responses to human-made sound with the goal of proposing exposure criteria for certain effects. This peer-reviewed compilation of literature is very valuable, though Southall *et al.* (2007) note that not all data are equal, some have poor statistical power, insufficient controls, and/or limited information on received levels, background noise, and other potentially important contextual variables—such data were reviewed and sometimes used for qualitative illustration but were not included in the quantitative analysis for the criteria recommendations. All of the

studies considered, however, contain an estimate of the received sound level when the animal exhibited the indicated response.

In the Southall *et al.* (2007) publication, for the purposes of analyzing responses of marine mammals to anthropogenic sound and developing criteria, the authors differentiate between single pulse sounds, multiple pulse sounds, and non-pulse sounds. MFAS/HFAS sonar is considered a non-pulse sound. Southall *et al.* (2007) summarize the studies associated with low-frequency, mid-frequency, and high-frequency cetacean and pinniped responses to non-pulse sounds, based strictly on received level, in Appendix C of their article (incorporated by reference and summarized in the three paragraphs below).

The studies that address responses of low-frequency cetaceans to non-pulse sounds include data gathered in the field and related to several types of sound sources (of varying similarity to MFAS/HFAS) including: Vessel noise, drilling and machinery playback, low-frequency M-sequences (sine wave with multiple phase reversals) playback, tactical low-frequency active sonar playback, drill ships, Acoustic Thermometry of Ocean Climate (ATOC) source, and non-pulse playbacks. These studies generally indicate no (or very limited) responses to received levels in the 90 to 120 dB re: 1 μPa range and an increasing likelihood of avoidance and other behavioral effects in the 120 to 160 dB range. As mentioned earlier, though, contextual variables play a very important role in the reported responses and the severity of effects are not linear when compared to received level. Also, few of the laboratory or field datasets had common conditions, behavioral contexts or sound sources, so it is not surprising that responses differ.

The studies that address responses of mid-frequency cetaceans to non-pulse sounds include data gathered both in the field and the laboratory and related to several different sound sources (of varying similarity to MFAS/HFAS) including: pingers, drilling playbacks, ship and ice-breaking noise, vessel noise, Acoustic Harassment Devices (AHDs), Acoustic Deterrent Devices (ADDs), MFAS, and non-pulse bands and tones. Southall *et al.* (2007) were unable to come to a clear conclusion regarding the results of these studies. In some cases, animals in the field showed significant responses to received levels between 90 and 120 dB, while in other cases these responses were not seen in the 120 to 150 dB range. The disparity in results was likely due to contextual variation and the differences between the results in the field and laboratory data (animals typically responded at lower levels in the field).

The studies that address responses of high frequency cetaceans to non-pulse sounds include data gathered both in the field and the laboratory and related to several different sound sources (of varying similarity to MFAS/HFAS) including: pingers, AHDs, and various laboratory non-pulse sounds. All of these data were collected from harbor porpoises. Southall *et al.* (2007) concluded that the existing data indicate that harbor porpoises are likely sensitive to a wide range of anthropogenic sounds at low received levels (~ 90 to 120 dB), at least for initial exposures. All recorded exposures above 140 dB induced profound and sustained avoidance behavior in wild harbor porpoises (Southall *et al.,* 2007). Rapid habituation was noted in some but not all studies. There is no data to indicate whether other high frequency cetaceans are as sensitive to anthropogenic sound as harbor porpoises are.

The studies that address the responses of pinnipeds in water to non-pulse sounds include data gathered both in the field and the laboratory and related to several different sound sources (of varying similarity to MFAS/HFAS) including: AHDs, ATOC, various non-pulse sounds used in underwater data communication; underwater drilling, and construction noise. Few studies exist with enough information to include them in the analysis. The limited data suggested that exposures to non-pulse sounds between 90 and 140 dB generally do not result in strong behavioral responses in pinnipeds in water, but no data exist at higher received levels.

Potential Effects of Behavioral Disturbance

The different ways that marine mammals respond to sound are sometimes indicators of the ultimate effect that exposure to a given stimulus will have on the well-being (survival, reproduction, etc.) of an animal. There is limited marine mammal data quantitatively relating the exposure of marine mammals to sound to effects on reproduction or survival, though data exists for terrestrial species to which we can draw comparisons for marine mammals.

Attention is the cognitive process of selectively concentrating on one aspect of an animal's environment while ignoring other things (Posner, 1994). Because animals (including humans) have limited cognitive resources, there is a limit to how much sensory information they can process at any time. The phenomenon called ''attentional capture'' occurs when a stimulus (usually a stimulus that an animal is not concentrating on or attending to) ''captures'' an animal's attention. This shift in attention can occur consciously or subconsciously (for example, when an animal hears sounds that it associates with the approach of a predator) and the shift in attention can be sudden (Dukas, 2002; van Rij, 2007). Once a stimulus has captured an animal's attention, the animal can respond by ignoring the stimulus, assuming a ''watch and wait'' posture, or treat the stimulus as a disturbance and respond accordingly, which includes scanning for the source of the stimulus or ''vigilance'' (Cowlishaw *et al.,* 2004).

Vigilance is normally an adaptive behavior that helps animals determine the presence or absence of predators, assess their distance from conspecifics, or to attend cues from prey (Bednekoff and Lima, 1998; Treves, 2000). Despite those benefits, however, vigilance has a cost of time; when animals focus their attention on specific environmental cues, they are not attending to other activities such as foraging. These costs have been documented best in foraging animals, where vigilance has been shown to substantially reduce feeding rates (Saino, 1994; Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002). Animals will spend more time being vigilant, which may translate to less time foraging or resting, when disturbance stimuli approach them more directly, remain at closer distances, have a greater group size (for example, multiple surface vessels), or when they co-occur with times that an animal perceives increased risk (for example, when they are giving birth or accompanied by a calf). Most of the published literature, however, suggests that direct approaches will increase the amount of time animals will dedicate to being vigilant. For example, bighorn sheep and Dall's sheep dedicated more time being vigilant, and less time resting or foraging, when aircraft made direct approaches over them (Frid, 2001; Stockwell *et al.,* 1991).

Several authors have established that long-term and intense disturbance stimuli can cause population declines by reducing the body condition of individuals that have been disturbed, followed by reduced reproductive success, reduced survival, or both (Daan *et al.,* 1996; Madsen, 1994; White, 1983). For example, Madsen (1994) reported that pink-footed geese in undisturbed habitat gained body mass and had about a 46-percent reproductive

success rate compared with geese in disturbed habitat (being consistently scared off the fields on which they were foraging) which did not gain mass and had a 17-percent reproductive success rate. Similar reductions in reproductive success have been reported for mule deer disturbed by all-terrain vehicles (Yarmoloy *et al.,* 1988), caribou disturbed by seismic exploration blasts (Bradshaw *et al.,* 1998), caribou disturbed by low-elevation military jet-fights (Luick *et al.,* 1996), and caribou disturbed by low-elevation jet flights (Harrington and Veitch, 1992). Similarly, a study of elk that were disturbed experimentally by pedestrians concluded that the ratio of young to mothers was inversely related to disturbance rate (Phillips and Alldredge, 2000).

The primary mechanism by which increased vigilance and disturbance appear to affect the fitness of individual animals is by disrupting an animal's time budget and, as a result, reducing the time they might spend foraging and resting (which increases an animal's activity rate and energy demand). For example, a study of grizzly bears reported that bears disturbed by hikers reduced their energy intake by an average of 12 kcal/minute (50.2×10^3kJ/minute), and spent energy fleeing or acting aggressively toward hikers (White *et al.,* 1999). Alternately, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects such as changes in cortisol or epinephrine levels.

Lusseau and Bejder (2007) present data from three long-term studies illustrating the connections between disturbance from whale-watching boats and population-level effects in cetaceans. In Sharks Bay Australia, the abundance of bottlenose dolphins was compared within adjacent control and tourism sites over three consecutive 4.5-year periods of increasing tourism levels. Between the second and third time periods, in which tourism doubled, dolphin abundance decreased by 15 percent in the tourism area and did not change significantly in the control area. In Fiordland, New Zealand, two populations (Milford and Doubtful Sounds) of bottlenose dolphins with tourism levels that differed by a factor of seven were observed and significant increases in travelling time and decreases in resting time were documented for both. Consistent short-term avoidance strategies were observed in response to tour boats until a threshold of disturbance was reached (average 68 minutes between interactions), after which the response switched to a longer term habitat displacement strategy. For one population tourism only occurred in a part of the home range, however, tourism occurred throughout the home range of the Doubtful Sound population and once boat traffic increased beyond the 68-minute threshold (resulting in abandonment of their home range/preferred habitat), reproductive success drastically decreased (increased stillbirths) and abundance decreased significantly (from 67 to 56 individuals in short period). Last, in a study of northern resident killer whales off Vancouver Island, exposure to boat traffic was shown to reduce foraging opportunities and increase traveling time. A simple bioenergetics model was applied to show that the reduced foraging opportunities equated to a decreased energy intake of 18 percent, while the increased traveling incurred an increased energy output of 3–4 percent, which suggests that a management action based on avoiding interference with foraging might be particularly effective.

On a related note, many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Substantive behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multiple-day substantive behavioral reactions and multiple-day anthropogenic activities. For example, just because an at-sea exercise lasts for multiple days does not necessarily mean that individual animals are either exposed to that exercise for multiple days or, further, exposed in a manner resulting in a sustained multiple day substantive behavioral responses.

In order to understand how the effects of activities may or may not impact stocks and populations of marine mammals, it is necessary to understand not only what the likely disturbances are going to be, but how those disturbances may affect the reproductive success and survivorship of individuals, and then how those impacts to individuals translate to population changes. Following on the earlier work of a committee of the U.S. National Research Council (NRC, 2005), New *et al.* (2014), in an effort termed the Potential Consequences of Disturbance (PCoD), outline an updated conceptual model of the relationships linking disturbance to changes in behavior and physiology, health, vital rates, and population dynamics (below). As depicted, behavioral and physiological changes can either have direct (acute) effects on vital rates, such as when changes in habitat use or increased stress levels raise the probability of mother-calf separation or predation, or they can have indirect and long-term (chronic) effects on vital rates, such as when changes in time/energy budgets or increased disease susceptibility affect health, which then affects vital rates (New *et al.,* 2014).

In addition to outlining this general framework and compiling the relevant literature that supports it, New *et al.* (2014) have chosen four example species for which extensive long-term monitoring data exist (southern elephant seals, North Atlantic right whales, Ziphidae beaked whales, and bottlenose dolphins) and developed state-space energetic models that can be used to effectively forecast longer-term, population-level impacts from behavioral changes. While these are very specific models with very specific data requirements that cannot yet be applied broadly to project-specific risk assessments, they are a critical first step.

Vessels

Commercial and Navy ship strikes of cetaceans can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or an animal just below the surface could be cut by a vessel's propeller. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Vanderlaan and Taggart, 2007).

Marine mammals react to vessels in a variety of ways. Some respond negatively by retreating or engaging in antagonistic responses while other animals ignore the stimulus altogether (Terhune and Verboom, 1999; Watkins, 1986). Silber *et al.* (2010) concludes that large whales that are in close proximity to a vessel may not regard the vessel as a threat, or may be involved in a vital activity (*i.e.,* mating or feeding) which may not allow them to have a proper avoidance response. Cetacean species generally pay little attention to transiting vessel traffic as it approaches, although they may engage in last minute avoidance maneuvers (Laist *et al.,* 2001). Baleen whale responses to vessel

traffic range from avoidance maneuvers to disinterest in the presence of vessels (Nowacek *et al.,* 2007; Scheidat *et al.,* 2004). Species of delphinids can vary widely in their reaction to vessels. Many exhibit mostly neutral behavior, but there are frequent instances of observed avoidance behaviors (Hewitt, 1985; Würsig *et al.,* 1998). Many species of odontocetes (*e.g.,* bottlenose dolphin) are frequently observed bow riding or jumping in the wake of a vessel (Norris and Prescott, 1961; Ritter, 2002; Shane *et al.,* 1986; Würsig *et al.,* 1998).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (*e.g.,* bottlenose dolphin) move quickly through the water column.

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Jensen and Silber, 2003; Vanderlaan and Taggart, 2007). In assessing records in which vessel speed was known, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 13 knots.

Jensen and Silber (2003) detailed 292 records of known or probable ship strikes of all large whale species from 1975 to 2002. Of these, vessel speed at the time of collision was reported for 58 cases. Of these cases, 39 (or 67 percent) resulted in serious injury or death (19 of those resulted in serious injury as determined by blood in the water, propeller gashes or severed tailstock, and fractured skull, jaw, vertebrae, hemorrhaging, massive bruising or other injuries noted during necropsy and 20 resulted in death). Operating speeds of vessels that struck various species of large whales ranged from 2 to 51 knots. The majority (79 percent) of these strikes occurred at speeds of 13 knots or greater. The average speed that resulted in serious injury or death was 18.6 knots. Pace and Silber (2005) found that the probability of death or serious injury increased rapidly with increasing vessel speed. Specifically, the predicted probability of serious injury or death increased from 45 to 75 percent as vessel speed increased from 10 to 14 knots, and exceeded 90 percent at 17 knots. Higher speeds during collisions result in greater force of impact and also appear to increase the chance of severe injuries or death. While modeling studies have suggested that hydrodynamic forces pulling whales toward the vessel hull increase with increasing speed (Clyne, 1999; Knowlton *et al.,* 1995), this is inconsistent with Silber *et al.* (2010), which demonstrated that there is no such relationship (*i.e.,* hydrodynamic forces are independent of speed).

The Jensen and Silber (2003) report notes that the database represents a minimum number of collisions, because the vast majority probably goes undetected or unreported. In contrast, Navy vessels are likely to detect any strike that does occur, and they are required to report all ship strikes involving marine mammals. Overall, the percentages of Navy traffic relative to overall large shipping traffic are very small (on the order of 2 percent).

Other efforts have been undertaken to investigate the impact from vessels (both whale-watching and general vessel traffic noise) and demonstrated impacts do occur (Bain, 2002; Erbe, 2002; Lusseau, 2009; Williams *et al.,* 2006, 2009, 2011b, 2013, 2014a, 2014b; Noren *et al.,* 2009; Read *et al.,* 2014; Rolland *et al.,* 2012; Pirotta *et al.,* 2015). This body of research for the most part has investigated impacts associated with the presence of chronic stressors, which differ significantly from generally intermittent Navy training and testing activities. For example, in an analysis of energy costs to killer whales, Williams *et al.* (2009) suggested that whale-watching in the Johnstone Strait resulted in lost feeding opportunities due to vessel disturbance, which could carry higher costs than other measures of behavioral change might suggest. Ayres *et al.* (2012) recently reported on research in the Salish Sea involving the measurement of southern resident killer whale fecal hormones to assess two potential threats to the species recovery: Lack of prey (salmon) and impacts to behavior from vessel traffic. Ayres *et al.* (2012) suggested that the lack of prey overshadowed any population-level physiological impacts on southern resident killer whales from vessel traffic.

The Navy's Draft EA for 2015 West Coast Civilian Port Defense training activities fully addressed the potential impacts of vessel movement on marine mammals in the Study Area. The Navy does not anticipate vessel strikes to marine mammals within the Study Area, nor were takes by injury or mortality resulting from vessel strike predicted in the Navy's analysis. Vessel strikes within the Study Area are highly unlikely due to the size, maneuverability, and speed of the surface mine countermeasure vessel (the AVENGER class ship would typically operate at speeds less than 10 knots (18 km/hour); the generally low likelihood of occurrence of large whales within the Study Area; the effectiveness of Navy lookouts; and the implementation of mitigation measures described below. Therefore, takes by injury or mortality resulting from vessel strikes are not authorized by NMFS in this proposed incidental harassment authorization. However, the Navy has proposed measures (see Proposed Mitigation) to mitigate potential impacts to marine mammals from vessel strike and other physical disturbance (towed in-water devices) during training activities in the Study Area.

Marine Mammal Habitat

The primary source of potential marine mammal habitat impact is acoustic exposures resulting from mine detection and mine neutralization activities. However, the exposures do not constitute a long-term physical alteration of the water column or bottom topography, as the occurrences are of limited duration and intermittent in time.

Marine mammal habitat and prey species may be temporarily impacted by acoustic sources associated with the proposed activities. The potential for acoustic sources to impact marine mammal habitat or prey species is discussed below.

Expected Effects on Habitat

The effects of the introduction of sound into the environment are generally considered to have a lesser impact on marine mammal habitat than the physical alteration of the habitat. Acoustic exposures are not expected to result in long-term physical alteration of the water column or bottom topography, as the occurrences are of limited duration and intermittent in time. The proposed training activities will only occur during a two week period, and no military expended material would be left as a result of this event.

The ambient underwater noise level within active shipping areas of Los Angeles/Long Beach has been estimated around 140 dB re 1 μPa (Tetra Tech Inc., 2011). Existing ambient acoustic levels in non-shipping areas around Terminal Island in the Port of Long Beach ranged between 120 dB and 132 dB re 1 μPa (Tetra Tech Inc., 2011). Additional

vessel noise, aircraft noise, and underwater acoustics associated with the proposed training activities have the potential to temporarily increase the noise levels of the Study Area. However, with ambient levels of noise being elevated, the additional vessel noise would likely be masked by the existing environmental noise and marine species would not be impacted by the sound of the vessels or aircraft, but perhaps by the sight of an approaching vessel or the shadow of a helicopter.

Noise generated from helicopters is transient in nature and variable in intensity. Helicopter sounds contain dominant tones from the rotors that are generally below 500 Hz. Helicopters often radiate more sound forward than aft. The underwater noise produced is generally brief when compared with the duration of audibility in the air. The sound pressure level from an H–60 helicopter hovering at a 50 ft (15 m) altitude would be approximately 125 dB re 1 µPa at 1 m below the water surface, which is lower than the ambient sound that has been estimated in and around the Ports of Los Angeles/Long Beach. Helicopter flights associated with the proposed activities could occur at altitudes as low as 75 to 100 ft (23 to 31 m), and typically last two to four hours.

Mine warfare sonar employs high frequencies (above 10 kHz) that attenuate rapidly in the water, thus producing only a small area of potential auditory masking. Odontocetes and pinnipeds may experience some limited masking at closer ranges as the frequency band of many mine warfare sonar overlaps the hearing and vocalization abilities of some odontocetes and pinnipeds; however, the frequency band of the sonar is narrow, limiting the likelihood of auditory masking.

The proposed training activities are of limited duration and dispersion of the activities in space and time reduce the potential for disturbance from ship-generated noise, helicopter noise, and acoustic transmissions from the proposed activities on marine mammals. The relatively high level of ambient noise in and near the busy shipping channels also reduces the potential for any impact on habitat from the addition of the platforms associated with the proposed activities.

Effects on Marine Mammal Prey

Invertebrates—Marine invertebrates in the Study Area inhabit coastal waters and benthic habitats, including salt marshes, kelp forests, and soft sediments, canyons, and the continential shelf. The diverse range of species include oysters, crabs, worms, ghost shrimp, snails, sponges, sea fans, isopods, and stony corals (Chess and Hobson 1997; Dugan *et al.* 2000; Proctor *et al.* 1980).

Very little is known about sound detection and use of sound by aquatic invertebrates (Montgomery *et al.* 2006; Popper *et al.* 2001). Organisms may detect sound by sensing either the particle motion or pressure component of sound, or both. Aquatic invertebrates probably do not detect pressure since many are generally the same density as water and few, if any, have air cavities that would function like the fish swim bladder in responding to pressure (Popper *et al.* 2001). Many marine invertebrates, however, have ciliated ''hair'' cells that may be sensitive to water movements, such as those caused by currents or water particle motion very close to a sound source (Mackie and Singla 2003). These cilia may allow invertebrates to sense nearby prey or predators or help with local navigation. Marine invertebrates may produce and use sound in territorial behavior, to deter predators, to find a mate, and to pursue courtship (Popper *et al.* 2001).

Both behavioral and auditory brainstem response studies suggest that crustaceans may sense sounds up to 3 kHz, but best sensitivity is likely below 200 Hz (Goodall *et al.* 1990; Lovell *et al.* 2005; Lovell *et al.* 2006). Most cephalopods (*e.g.,* octopus and squid) likely sense low-frequency sound below 1,000 Hz, with best sensitivities at lower frequencies (Mooney *et al.* 2010; Packard *et al.* 1990). A few cephalopods may sense higher frequencies up to 1,500 Hz (Hu *et al.* 2009). Squid did not respond to toothed whale ultrasonic echolocation clicks at sound pressure levels ranging from 199 to 226 dB re 1 microPascal peak-to-peak, likely because these clicks were outside of squid hearing range (Wilson *et al.* 2007). However, squid exhibited alarm responses when exposed to broadband sound from an approaching seismic airgun with received levels exceeding 145 to 150 dB re 1 microPascal root mean square (McCauley *et al.* 2000).

It is expected that most marine invertebrates would not sense high-frequency sonar associated with the proposed activities. Most marine invertebrates would not be close enough to active sonar systems to potentially experience impacts to sensory structures. Any marine invertebrate capable of sensing sound may alter its behavior if exposed to sonar. Although acoustic transmissions produced during the proposed activities may briefly impact individuals, intermittent exposures to sonar are not expected to impact survival, growth, recruitment, or reproduction of widespread marine invertebrate populations.

Fish—The portion of the California Bight in the vicinity of the Study Area is a transitional zone between cold and warm water masses, geographically separated by Point Conception, and is highly productive (Leet *et al.* 2001). The cold-water of the California Bight is rich in microscopic plankton (diatoms, krill, and other organisms), which form the base of the food chain in the Study Area. Small coastal pelagic fishes depend on this plankton and in turn are fed on by larger species (such as highly migratory species). The high fish diversity found in the Study Area occurs for several reasons: (1) The ranges of many temperate and tropical species extend into Southern California, (2) the area has complex bottom features and physical oceanographic features that include several water masses and a changeable marine climate offshore (Allen *et al.* 2006; Horn and Allen 1978), and (3) the islands and coastal areas provide a diversity of habitats that include soft bottom, rocky reefs, kelp beds, and estuaries, bays, and lagoons.

All fish have two sensory systems to detect sound in the water: The inner ear, which functions very much like the inner ear in other vertebrates, and the lateral line, which consists of a series of receptors along the fish's body (Popper 2008). The inner ear generally detects relatively higher-frequency sounds, while the lateral line detects water motion at low frequencies (below a few hundred Hz) (Hastings and Popper 2005). Although hearing capability data only exist for fewer than 100 of the 32,000 fish species, current data suggest that most species of fish detect sounds from 50 to 1,000 Hz, with few fish hearing sounds above 4 kHz (Popper 2008). It is believed that most fish have their best hearing sensitivity from 100 to 400 Hz (Popper 2003). Additionally, some clupeids (shad in the subfamily Alosinae) possess ultrasonic hearing (*i.e.,* able to detect sounds above 100 kHz) (Astrup 1999). Permanent hearing loss, or PTS, has not been documented in fish. The sensory hair cells of the inner ear in fish can regenerate after they are damaged, unlike in mammals where sensory hair cells loss is permanent (Lombarte *et al.* 1993; Smith *et al.* 2006). As a consequence, any hearing loss in fish may be as temporary as the timeframe required to repair or replace the sensory cells that were damaged or destroyed (Smith *et al.* 2006).

Potential direct injuries from acoustic transmissions are unlikely because of the relatively lower peak pressures and

slower rise times than potentially injurious sources such as explosives. Acoustic sources also lack the strong shock waves associated with an explosion. Therefore, direct injury is not likely to occur from exposure to sonar. Only a few fish species are able to detect high-frequency sonar and could have behavioral reactions or experience auditory masking during these activities. These effects are expected to be transient and long-term consequences for the population are not expected. Hearing specialists are not expected to be within the Study Area. If hearing specialists were present, they would have to in close vicinity to the source to experience effects from the acoustic transmission. While a large number of fish species may be able to detect low-frequency sonar, some mid-frequency sonar and other active acoustic sources, low-frequency and mid-frequency acoustic sources are not planned as part of the proposed activities. Overall effects to fish from active sonar sources would be localized, temporary and infrequent.

Based on the detailed review within the Navy's EA for 2015 Civilian Port Defense training activities and the discussion above, there would be no effects to marine mammals resulting from loss or modification of marine mammal habitat or prey species related to the proposed activities.

Marine Mammal Avoidance

Marine mammals may be temporarily displaced from areas where Navy Civilian Port Defense training occurring, but the area should be utilized again after the activities have ceased. Avoidance of an area can help the animal avoid further acoustic effects by avoiding or reducing further exposure. The intermittent or short duration of training activities should prevent animals from being exposed to stressors on a continuous basis. In areas of repeated and frequent acoustic disturbance, some animals may habituate or learn to tolerate the new baseline or fluctuations in noise level. While some animals may not return to an area, or may begin using an area differently due to training and testing activities, most animals are expected to return to their usual locations and behavior.

Effects of Habitat Impacts on Marine Mammals

The proposed Civilian Port Defense training activities are not expected to have any habitat-related effects that cause significant or long-term consequences for individual marine mammals, their populations, or prey species. Based on the discussions above, there will be no loss or modification of marine mammal habitat and as a result no impacts to marine mammal populations.

Proposed Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(A) and (D) of the MMPA, NMFS must set forth the ''permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.'' NMFS' duty under this ''least practicable adverse impact'' standard is to prescribe mitigation reasonably designed to minimize, to the extent practicable, any adverse population-level impacts, as well as habitat impacts. While population-level impacts can be minimized by reducing impacts on individual marine mammals, not all takes translate to population-level impacts. NMFS' primary objective under the ''least practicable adverse impact'' standard is to design mitigation targeting those impacts on individual marine mammals that are most likely to lead to adverse population-level effects.

The NDAA of 2004 amended the MMPA as it relates to military-readiness activities and the ITA process such that ''least practicable adverse impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the ''military readiness activity.'' The training activities described in the Navy's application are considered military readiness activities.

NMFS reviewed the proposed activities and the proposed mitigation measures as described in the application to determine if they would result in the least practicable adverse effect on marine mammals, which includes a careful balancing of the likely benefit of any particular measure to the marine mammals with the likely effect of that measure on personnel safety, practicality of implementation, and impact on the effectiveness of the ''military-readiness activity.'' Included below are the mitigation measures the Navy proposed in their application. NMFS worked with the Navy to develop these proposed measures, and they are informed by years of experience and monitoring.

The Navy's proposed mitigation measures are modifications to the proposed activities that are implemented for the sole purpose of reducing a specific potential environmental impact on a particular resource. These do not include standard operating procedures, which are established for reasons other than environmental benefit. Most of the following proposed mitigation measures are currently, or were previously, implemented as a result of past environmental compliance documents. The Navy's overall approach to assessing potential mitigation measures is based on two principles: (1) Mitigation measures will be effective at reducing potential impacts on the resource, and (2) from a military perspective, the mitigation measures are practicable, executable, and safety and readiness will not be impacted.

The mitigation measures applicable to the proposed Civilian Port Defense training activities are the same as those identified in the Mariana Islands Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement (MITT EIS/OEIS), Chapter 5. All mitigation measures which could be applicable to the proposed activities are provided below. For the mitigation measures described below, the Lookout Procedures and Mitigation Zone Procedure sections from the MITT EIS/OEIS have been combined. For details regarding the methodology for analyzing each measure, see the MITT EIS/OEIS, Chapter 5.

Lookout Procedure Measures

The Navy will have two types of lookouts for the purposes of conducting visual observations: (1) Those positioned on surface ships, and (2) those positioned in aircraft or on boats. Lookouts positioned on surface ships will be dedicated solely to diligent observation of the air and surface of the water. They will have multiple observation objectives, which include but are not limited to detecting the presence of biological resources and recreational or fishing boats, observing mitigation zones, and monitoring for vessel and personnel safety concerns. Lookouts positioned on surface ships will typically be personnel already standing watch or existing members of the bridge watch team who become temporarily relieved of job responsibilities that would divert their attention from observing the air or surface of the water (such as navigation of a vessel).

Due to aircraft and boat manning and space restrictions, Lookouts positioned in aircraft or on boats will consist of the aircraft crew, pilot, or boat crew. Lookouts positioned in aircraft and boats may necessarily be responsible for tasks in addition to observing the air or surface of the water (for example,

navigation of a helicopter or rigid hull inflatable boat). However, aircraft and boat lookouts will, to the maximum extent practicable and consistent with aircraft and boat safety and training requirements, comply with the observation objectives described above for Lookouts positioned on surface ships.

Mitigation Measures

High-Frequency Active Sonar

The Navy will have one Lookout on ships or aircraft conducting high-frequency active sonar activities associated with mine warfare activities at sea.

Mitigation will include visual observation from a vessel or aircraft (with the exception of platforms operating at high altitudes) immediately before and during active transmission within a mitigation zone of 200 yards (yds. [183 m]) from the active sonar source. If the source can be turned off during the activity, active transmission will cease if a marine mammal is sighted within the mitigation zone. Active transmission will recommence if any one of the following conditions is met: (1) The animal is observed exiting the mitigation zone, (2) the animal is thought to have exited the mitigation zone based on a determination of its course and speed and the relative motion between the animal and the source, (3) the mitigation zone has been clear from any additional sightings for a period of 10 minutes for an aircraft-deployed source, (4) the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a vessel-deployed source, (5) the vessel or aircraft has repositioned itself more than 400 yds (366 m) away from the location of the last sighting, or (6) the vessel concludes that dolphins are deliberately closing in to ride the vessel's bow wave (and there are no other marine mammal sightings within the mitigation zone).

Physical Disturbance and Strike

Although the Navy does not anticipate that any marine mammals would be struck during the conduct of Civilian Port Defense training activities, the mitigation measures below will be implemented and adhered to.

Vessels—While underway, vessels will have a minimum of one Lookout. Vessels will avoid approaching marine mammals head on and will maneuver to maintain a mitigation zone of 500 yds (457 m) around observed whales, and 200 yds (183 m) around all other marine mammals (except bow riding dolphins), providing it is safe to do so.

Towed In-Water Devices—The Navy will have one Lookout during activities using towed in-water devices when towed from a manned platform.

The Navy will ensure that towed in-water devices being towed from manned platforms avoid coming within a mitigation zone of 250 yds (229 m) around any observed marine mammal, providing it is safe to do so.

Mitigation Conclusions

NMFS has carefully evaluated the Navy's proposed mitigation measures—many of which were developed with NMFS' input during previous Navy Training and Testing authorizations—and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable adverse impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: The manner in which, and the degree to which, the successful implementation of the mitigation measures is expected to reduce the likelihood and/or magnitude of adverse impacts to marine mammal species and stocks and their habitat; the proven or likely efficacy of the measures; and the practicability of the suite of measures for applicant implementation, including consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to accomplishing one or more of the general goals listed below:

a. Avoid or minimize injury or death of marine mammals wherever possible (goals b, c, and d may contribute to this goal).

b. Reduce the number of marine mammals (total number or number at biologically important time or location) exposed to received levels of MFAS/HFAS, underwater detonations, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing harassment takes only).

c. Reduce the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of MFAS/HFAS, underwater detonations, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing harassment takes only).

d. Reduce the intensity of exposures (either total number or number at biologically important time or location) to received levels of MFAS/HFAS, underwater detonations, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

e. Avoid or minimize adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

f. For monitoring directly related to mitigation—increase the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation (shut-down zone, etc.).

Based on our evaluation of the Navy's proposed measures, as well as other measures considered by NMFS, NMFS has determined preliminarily that the Navy's proposed mitigation measures are adequate means of effecting the least practicable adverse impacts on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, while also considering personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The proposed IHA comment period provides the public an opportunity to submit recommendations, views, and/or concerns regarding this action and the proposed mitigation measures. While NMFS has determined preliminarily that the Navy's proposed mitigation measures would effect the least practicable adverse impact on the affected species or stocks and their habitat, NMFS will consider all public comments to help inform our final decision. Consequently, the proposed mitigation measures may be refined, modified, removed, or added to prior to the issuance of the authorization based on public comments received, and where appropriate, further analysis of any additional mitigation measures.

Proposed Monitoring and Reporting

Section 101(a)(5)(A) of the MMPA states that in order to issue an ITA for an activity, NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for LOAs must include the suggested means of

accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present.

Integrated Comprehensive Monitoring Program

The U.S. Navy has coordinated with NMFS to develop an overarching program plan in which specific monitoring would occur. This plan is called the Integrated Comprehensive Monitoring Program (ICMP) (U.S. Department of the Navy, 2011). The ICMP has been developed in direct response to Navy permitting requirements established in various MMPA Final Rules, Endangered Species Act consultations, Biological Opinions, and applicable regulations. As a framework document, the ICMP applies by regulation to those activities on ranges and operating areas for which the Navy is seeking or has sought incidental take authorizations. The ICMP is intended to coordinate monitoring efforts across all regions and to allocate the most appropriate level and type of effort based on set of standardized research goals, and in acknowledgement of regional scientific value and resource availability.

The ICMP is designed to be a flexible, scalable, and adjustable plan. The ICMP is evaluated annually through the adaptive management process to assess progress, provide a matrix of goals for the following year, and make recommendations for refinement. Future monitoring will address the following ICMP top-level goals through a series of regional and ocean basin study questions with a priority study and funding focus on species of interest as identified for each range complex.

- An increase in our understanding of the likely occurrence of marine mammals and/or ESA-listed marine species in the vicinity of the action (*i.e.,* presence, abundance, distribution, and/or density of species);
- An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammals and/or ESA-listed species to any of the potential stressor(s) associated with the action (*e.g.,* tonal and impulsive sound), through better understanding of one or more of the following: (1) The action and the environment in which it occurs (*e.g.,* sound source characterization, propagation, and ambient noise levels); (2) the affected species (*e.g.,* life history or dive patterns); (3) the likely co-occurrence of marine mammals and/or ESA-listed marine species with the action (in whole or part) associated with specific adverse effects, and/or; (4) the likely biological or behavioral context of exposure to the stressor for the marine mammal and/or ESA-listed marine species (*e.g.,* age class of exposed animals or known pupping, calving or feeding areas);
- An increase in our understanding of how individual marine mammals or ESA-listed marine species respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, *e.g.,* at what distance or received level);
- An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: (1) The long-term fitness and survival of an individual; or (2) the population, species, or stock (*e.g.,* through effects on annual rates of recruitment or survival);
- An increase in our understanding of the effectiveness of mitigation and monitoring measures;
- A better understanding and record of the manner in which the authorized entity complies with the ITA and Incidental Take Statement;
- An increase in the probability of detecting marine mammals (through improved technology or methods), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals; and
- A reduction in the adverse impact of activities to the least practicable level, as defined in the MMPA.

The ICMP will also address relative investments to different range complexes based on goals across all range complexes, and monitoring will leverage multiple techniques for data acquisition and analysis whenever possible. Because the ICMP does not specify actual monitoring field work or projects in a given area, it allows the Navy to coordinate its monitoring to gather the best scientific data possible across all areas in which the Navy operates. Details of the ICMP are available online (*http://www.navymarinespeciesmonitoring.us/*).

Strategic Planning Process for Marine Species Monitoring

The Navy also developed the Strategic Planning Process for Marine Species Monitoring, which establishes the guidelines and processes necessary to develop, evaluate, and fund individual projects based on objective scientific study questions. The process uses an underlying framework designed around top-level goals, a conceptual framework incorporating a progression of knowledge, and in consultation with a Scientific Advisory Group and other regional experts. The Strategic Planning Process for Marine Species Monitoring would be used to set intermediate scientific objectives, identify potential species of interest at a regional scale, and evaluate and select specific monitoring projects to fund or continue supporting for a given fiscal year. This process would also address relative investments to different range complexes based on goals across all range complexes, and monitoring would leverage multiple techniques for data acquisition and analysis whenever possible. The Strategic Planning Process for Marine Species Monitoring is also available online (*http://www.navymarinespeciesmonitoring.us/*).

Reporting

In order to issue an incidental take authorization for an activity, section 101(a)(5)(A) and (D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring. Some of the reporting requirements are still in development and the final authorization may contain additional details not contained here. Additionally, proposed reporting requirements may be modified, removed, or added based on information or comments received during the public comment period. Reports from individual monitoring events, results of analyses, publications, and periodic progress reports for specific monitoring projects would be posted to the Navy's Marine Species Monitoring Web portal: *http://www.navymarinespeciesmonitoring.us.*

General Notification of Injured or Dead Marine Mammals—If any injury or death of a marine mammal is observed during the Civilian Port Defense training activities, the Navy will immediately halt the activity and report the incident to NMFS following the standard monitoring and reporting measures consistent with the MITT EIS/OEIS. The reporting measures include the following procedures:

Navy personnel shall ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as clearance procedures allow) if an injured or dead marine mammal is found during or shortly after, and in the vicinity of, any Navy training activity utilizing high-frequency active sonar. The Navy shall provide NMFS with species or description of the animal(s),

the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available). The Navy shall consult the Stranding Response and Communication Plan to obtain more specific reporting requirements for specific circumstances.

Vessel Strike—Vessel strike during Navy Civilian Port Defense activities in the Study Area is not anticipated; however, in the event that a Navy vessel strikes a whale, the Navy shall do the following:

Immediately report to NMFS (pursuant to the established Communication Protocol) the:

- Species identification (if known);
- Location (latitude/longitude) of the animal (or location of the strike if the animal has disappeared);
- Whether the animal is alive or dead (or unknown); and
- The time of the strike.

As soon as feasible, the Navy shall report to or provide to NMFS, the:

- Size, length, and description (critical if species is not known) of animal;
- An estimate of the injury status (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared, etc.);
- Description of the behavior of the whale during event, immediately after the strike, and following the strike (until the report is made or the animal is no longer sighted);
- Vessel class/type and operational status;
- Vessel length;
- Vessel speed and heading; and
- To the best extent possible, obtain a photo or video of the struck animal, if the animal is still in view.

Within 2 weeks of the strike, provide NMFS:

- A detailed description of the specific actions of the vessel in the 30-minute timeframe immediately preceding the strike, during the event, and immediately after the strike (*e.g.,* the speed and changes in speed, the direction and changes in direction, other maneuvers, sonar use, etc., if not classified);
- A narrative description of marine mammal sightings during the event and immediately after, and any information as to sightings prior to the strike, if available; and use established Navy shipboard procedures to make a camera available to attempt to capture photographs following a ship strike.

NMFS and the Navy will coordinate to determine the services the Navy may provide to assist NMFS with the investigation of the strike. The response and support activities to be provided by the Navy are dependent on resource availability, must be consistent with military security, and must be logistically feasible without compromising Navy personnel safety. Assistance requested and provided may vary based on distance of strike from shore, the nature of the vessel that hit the whale, available nearby Navy resources, operational and installation commitments, or other factors.

Estimated Take by Incidental Harassment

In the Potential Effects section, NMFS' analysis identified the lethal responses, physical trauma, sensory impairment (PTS, TTS, and acoustic masking), physiological responses (particular stress responses), and behavioral responses that could potentially result from exposure to active sonar (MFAS/HFAS). In this section, the potential effects to marine mammals from active sonar will be related to the MMPA regulatory definitions of Level A and Level B harassment and attempt to quantify the effects that might occur from the proposed activities in the Study Area.

As mentioned previously, behavioral responses are context-dependent, complex, and influenced to varying degrees by a number of factors other than just received level. For example, an animal may respond differently to a sound emanating from a ship that is moving towards the animal than it would to an identical received level coming from a vessel that is moving away, or to a ship traveling at a different speed or at a different distance from the animal. At greater distances, though, the nature of vessel movements could also potentially not have any effect on the animal's response to the sound. In any case, a full description of the suite of factors that elicited a behavioral response would require a mention of the vicinity, speed and movement of the vessel, or other factors. So, while sound sources and the received levels are the primary focus of the analysis and those that are laid out quantitatively in the regulatory text, it is with the understanding that other factors related to the training are sometimes contributing to the behavioral responses of marine mammals, although they cannot be quantified.

Definition of Harassment

As mentioned previously, with respect to military readiness activities, section 3(18)(B) of the MMPA defines ''harassment'' as: ''(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].'' It is important to note that, as Level B harassment is interpreted here and quantified by the behavioral thresholds described below, the fact that a single behavioral pattern (of unspecified duration) is abandoned or significantly altered and classified as a Level B take does not mean, necessarily, that the fitness of the harassed individual is affected either at all or significantly, or that, for example, a preferred habitat area is abandoned. Further analysis of context and duration of likely exposures and effects is necessary to determine the impacts of the estimated effects on individuals and how those may translate to population level impacts, and is included in the Analysis and Negligible Impact Determination.

Level B Harassment

Of the potential effects that were described earlier in this document, the following are the types of effects that fall into the Level B harassment category:

Behavioral Harassment—Behavioral disturbance that rises to the level described in the definition above, when resulting from exposures to non-impulsive or impulsive sound, is considered Level B harassment. Some of the lower level physiological stress responses discussed earlier would also likely co-occur with the predicted harassments, although these responses are more difficult to detect and fewer data exist relating these responses to specific received levels of sound. When Level B harassment is predicted based on estimated behavioral responses, those takes may have a stress-related physiological component as well.

As the statutory definition is currently applied, a wide range of behavioral reactions may qualify as Level B harassment under the MMPA, including but not limited to avoidance of the sound source, temporary changes in vocalizations or dive patters, temporary avoidance of an area, or temporary disruption of feeding, migrating, or reproductive behaviors. The estimates calculated by the Navy using the acoustic thresholds do not differentiate between the different types of potential behavioral reactions. Nor do the

estimates provide information regarding the potential fitness or other biological consequences of the reactions on the affected individuals. We therefore consider the available scientific evidence to determine the likely nature of the modeled behavioral responses and the potential fitness consequences for affected individuals.

Temporary Threshold Shift (TTS)—As discussed previously, TTS can affect how an animal behaves in response to the environment, including conspecifics, predators, and prey. The following physiological mechanisms are thought to play a role in inducing auditory fatigue: Effects to sensory hair cells in the inner ear that reduce their sensitivity, modification of the chemical environment within the sensory cells; residual muscular activity in the middle ear, displacement of certain inner ear membranes; increased blood flow; and post-stimulatory reduction in both efferent and sensory neural output. Ward (1997) suggested that when these effects result in TTS rather than PTS, they are within the normal bounds of physiological variability and tolerance and do not represent a physical injury. Additionally, Southall *et al.* (2007) indicate that although PTS is a tissue injury, TTS is not because the reduced hearing sensitivity following exposure to intense sound results primarily from fatigue, not loss, of cochlear hair cells and supporting structures and is reversible. Accordingly, NMFS classifies TTS (when resulting from exposure to sonar and other active acoustic sources and explosives and other impulsive sources) as Level B harassment, not Level A harassment (injury).

Level A Harassment

Of the potential effects that were described earlier, the types of effects that can fall into the Level A harassment category (unless they further rise to the level of serious injury or mortality) include permanent threshold shift (PTS), tissue damage due to acoustically mediated bubble growth, tissue damage due to behaviorally mediated bubble growth, physical disruption of tissues resulting from explosive shock wave, and vessel strike and other physical disturbance (strike from towed in-water devices). Level A harassment and mortality are not anticipated to result from any of the proposed Civilian Port Defense activities; therefore, these effects will not be discussed further. Although the Navy does not anticipate that any marine mammals would be struck during proposed Civilian Port Defense activities, the mitigation measures described above in Proposed Mitigation will be implemented and adhered to.

Criteria and Thresholds for Predicting Acoustic Impacts

Criteria and thresholds used for determining the potential effects from the Civilian Port Defense activities are consistent with those used in the Navy's Phase II Training and Testing EISs (*e.g.,* HSTT, MITT). Table 3 below provides the criteria and thresholds used in this analysis for estimating quantitative acoustic exposures of marine mammals from the proposed training activities. Weighting criteria are shown in the table below. Southall *et al.* (2007) proposed frequency-weighting to account for the frequency bandwidth of hearing in marine mammals. Frequency-weighting functions are used to adjust the received sound level based on the sensitivity of the animal to the frequency of the sound. Details regarding these criteria and thresholds can be found in Finneran and Jenkins (2012).

TABLE 3—INJURY (PTS) AND DISTURBANCE (TTS, BEHAVIORAL) THRESHOLDS FOR UNDERWATER SOUNDS

Group	Species	Behavioral criteria	Physiological criteria	
			Onset TTS	Onset PTS
Low-Frequency Cetaceans.	All mysticetes	Mysticete Dose Function (Type I weighted).	178 dB Sound Exposure Level (SEL) [1] (Type II weighted).	198 dB SEL (Type II weighted).
Mid-Frequency Cetaceans.	Most delphinids, beaked whales, medium and large toothed whales.	Odontocete Dose Function (Type I weighted).	178 dB SEL (Type II weighted).	198 dB SEL (Type II weighted).
High-Frequency Cetaceans.	Porpoises, River dolphins, *Cephalorynchus* spp., *Kogia* sp.	Odontocete Dose Function (Type I weighted).	152 dB SEL (Type II weighted).	172 dB SEL (Type II weighted).
Harbor Porpoises	Harbor porpoises	120 dB SPL, unweighted	152 dB SEL (Type II weighted).	172 dB SEL (Type II weighted).
Beaked Whales	All Ziphiidae	140 dB SPL, unweighted	178 dB SEL (Type II weighted).	198 dB SEL (Type II weighted).
Phocidae (in water)	Harbor, Bearded, Hooded, Common, Spotted, Ringed, Baikal, Caspian, Harp, Ribbon, Gray seals, Monk, Elephant, Ross, Crabeater, Leopard, and Weddell seals.	Odontocete Dose Function (Type I weighted).	183 dB SEL (Type I weighted).	197 dB SEL (Type I weighted).
Otariidae (in water)	Guadalupe fur seal, Northern fur seal, California sea lion, Steller sea lion.	Odontocete Dose Function (Type I weighted).	206 dB SEL (Type I weighted).	220 dB SEL (Type I weighted).

As discussed earlier, factors other than received level (such as distance from or bearing to the sound source, context of animal at time of exposure) can affect the way that marine mammals respond; however, data to support a quantitative analysis of those (and other factors) do not currently exist. It is also worth specifically noting that while context is very important in marine mammal response, given otherwise equivalent context, the severity of a marine mammal behavioral response is also expected to increase with received level (Houser and Moore, 2014). NMFS will continue to modify these criteria as new data become available and can be appropriately and effectively incorporated.

Marine Mammal Density Estimates

A quantitative analysis of impacts on a species requires data on the abundance and distribution of the species population in the potentially impacted area. The most appropriate unit of metric for this type of analysis is density, which is described as the number of animals present per unit area.

There is no single source of density data for every area, species, and season because of the fiscal costs, resources, and effort involved in NMFS providing enough survey coverage to sufficiently estimate density. Therefore, to characterize the marine species density for large areas such as the Study Area, the Navy needed to compile data from multiple sources. Each data source may use different methods to estimate density, of which, uncertainty in the estimate can be directly related to the method applied. To develop a database of marine species density estimates, the Navy, in consultation with NMFS experts, adopted a protocol to select the best available data sources (including habitat-based density models, line-transect analyses, and peer-reviewed published studies) based on species, area, and season (see the Navy's Pacific Marine Species Density Database Technical Report; U.S. Department of the Navy, 2012, 2014). The resulting Geographic Information System (GIS) database includes one single spatial and seasonal density value for every marine mammal present within the Study Area.

The Navy Marine Species Density Database includes a compilation of the best available density data from several primary sources and published works including survey data from NMFS within the U.S. EEZ. NMFS is the primary agency responsible for estimating marine mammal and sea turtle density within the U.S. EEZ. NMFS publishes annual SARs for various regions of U.S. waters and covers all stocks of marine mammals within those waters. The majority of species that occur in the Study Area are covered by the Pacific Region Stock Assessment Report (Carretta *et al.,* 2014). Other independent researchers often publish density data or research covering a particular marine mammal species, which is integrated into the NMFS SARs.

For most cetacean species, abundance is estimated using line-transect methods that employ a standard equation to derive densities based on sighting data collected from systematic ship or aerial surveys. More recently, habitat-based density models have been used effectively to model cetacean density as a function of environmental variables (*e.g.,* Redfern *et al.,* 2006; Barlow *et al.,* 2009; Becker *et al.,* 2010; Becker *et al.,* 2012a; Becker *et al.,* 2012b; Becker, 2012c; Forney *et al.,* 2012). Where the data supports habitat based density modeling, the Navy's database uses those density predictions. Habitat-based density models allow predictions of cetacean densities on a finer spatial scale than traditional line-transect analyses because cetacean densities are estimated as a continuous function of habitat variables (*e.g.,* sea surface temperature, water depth). Within most of the world's oceans, however there have not been enough systematic surveys to allow for line-transect density estimation or the development of habitat models. To get an approximation of the cetacean species distribution and abundance for unsurveyed areas, in some cases it is appropriate to extrapolate data from areas with similar oceanic conditions where extensive survey data exist. Habitat Suitability Indexes or Relative Environmental Suitability have also been used in data-limited areas to estimate occurrence based on existing observations about a given species' presence and relationships between basic environmental conditions (Kaschner *et al.,* 2006).

Methods used to estimate pinniped at-sea density are generally quite different than those described above for cetaceans. Pinniped abundance is generally estimated via shore counts of animals at known rookeries and haulout sites. For example, for species such as the California sea lion, population estimates are based on counts of pups at the breeding sites (Carretta *et al.,* 2014). However, this method is not appropriate for other species such as harbor seals, whose pups enter the water shortly after birth. Population estimates for these species are typically made by counting the number of seals ashore and applying correction factors based on the proportion of animals estimated to be in the water (Carretta *et al.,* 2014). Population estimates for pinniped species that occur in the Study Area are provided in the Pacific Region Stock Assessment Report (Carretta *et al.,* 2014). Translating these population estimates to in-water densities presents challenges because the percentage of seals or sea lions at sea compared to those on shore is species-specific and depends on gender, age class, time of year (molt and breeding/pupping seasons), foraging range, and for species such as harbor seal, time of day and tide level. These parameters were identified from the literature and used to establish correction factors which were then applied to estimate the proportion of pinnipeds that would be at sea within the Study Area for a given season.

Density estimates for each species in the Study Area, and the sources for these estimates, are provided in Chapter 4 of the application and in the Navy's Pacific Marine Species Density Database Technical Report.

Quantitative Modeling To Estimate Take

The Navy performed a quantitative analysis to estimate the number of mammals that could be exposed to the acoustic transmissions during the proposed Civilian Port Defense activities. Inputs to the quantitative analysis included marine mammal density estimates, marine mammal depth occurrence distributions (Watwood and Buonantony 2012), oceanographic and environmental data, marine mammal hearing data, and criteria and thresholds for levels of potential effects. The quantitative analysis consists of computer modeled estimates and a post-model analysis to determine the number of potential mortalities and harassments. The model calculates sound energy propagation from the proposed sonars, the sound received by animat (virtual animal) dosimeters representing marine mammals distributed in the area around the modeled activity, and whether the sound received by a marine mammal exceeds the thresholds for effects. The model estimates are then further analyzed to consider animal avoidance and implementation of mitigation measures, resulting in final estimates of effects due to the proposed training activities.

The Navy developed a set of software tools and compiled data for estimating acoustic effects on marine mammals without consideration of behavioral avoidance or Navy's standard mitigations. These databases and tools collectively form the Navy Acoustic Effects Model (NAEMO). In NAEMO, animats (virtual animals) are distributed non-uniformly based on species-specific density, depth distribution, and group size information. Animats record energy received at their location in the water column. A fully three-dimensional environment is used for calculating sound propagation and animat exposure in NAEMO. Site-specific bathymetry, sound speed profiles, wind speed, and bottom properties are incorporated into the propagation modeling process. NAEMO calculates the likely propagation for various levels of energy (sound or pressure) resulting from each source used during the training event.

NAEMO then records the energy received by each animat within the energy footprint of the event and calculates the number of animats having received levels of energy exposures that fall within defined impact thresholds. Predicted effects on the animats within a scenario are then tallied and the highest order effect (based on severity of criteria; *e.g.,* PTS over TTS) predicted for a given animat is assumed. Each

scenario or each 24-hour period for scenarios lasting greater than 24 hours is independent of all others, and therefore, the same individual marine animal could be impacted during each independent scenario or 24-hour period. In few instances, although the activities themselves all occur within the Study Area, sound may propagate beyond the boundary of the Study Area. Any exposures occurring outside the boundary of the Study Area are counted as if they occurred within the Study Area boundary. NAEMO provides the initial estimated impacts on marine species with a static horizontal distribution. These model-estimated results are then further analyzed to account for pre-activity avoidance by sensitive species, mitigation (considering sound source and platform), and avoidance of repeated sound exposures by marine mammals, producing the final predictions of effects used in this request for an IHA.

There are limitations to the data used in the acoustic effects model, and the results must be interpreted within these context. While the most accurate data and input assumptions have been used in the modeling, when there is a lack of definitive data to support an aspect of the modeling, modeling assumptions believed to overestimate the number of exposures have been chosen:

- Animats are modeled as being underwater, stationary, and facing the source and therefore always predicted to receive the maximum sound level (*i.e.,* no porpoising or pinnipeds' heads above water). Some odontocetes have been shown to have directional hearing, with best hearing sensitivity facing a sound source and higher hearing thresholds for sounds propagating towards the rear or side of an animal (Kastelein et al. 2005; Mooney et al. 2008; Popov and Supin 2009).
- Animats do not move horizontally (but change their position vertically within the water column), which may overestimate physiological effects such as hearing loss, especially for slow moving or stationary sound sources in the model.
- Animats are stationary horizontally and therefore do not avoid the sound source, unlike in the wild where animals would most often avoid exposures at higher sound levels, especially those exposures that may result in PTS.
- Multiple exposures within any 24-hour period are considered one continuous exposure for the purposes of calculating the temporary or permanent hearing loss, because there are not sufficient data to estimate a hearing recovery function for the time between exposures.
- Mitigation measures that are implemented were not considered in the model. In reality, sound-producing activities would be reduced, stopped, or delayed if marine mammals are detected within the mitigation zones around sound sources.

Because of these inherent model limitations and simplifications, model-estimated results must be further analyzed, considering such factors as the range to specific effects, avoidance, and the likelihood of successfully implementing mitigation measures, in order to determine the final estimate of potential takes.

Impacts on Marine Mammals

Range to Effects—Table 4 provides range to effects for active acoustic sources to specific criteria determined using NAEMO. Marine mammals within these ranges would be predicted to receive the associated effect. Range to effects is important information in not only predicting acoustic impacts, but also in verifying the accuracy of model results against real-world situations and determining adequate mitigation ranges to avoid higher level effects, especially physiological effects to marine mammals. Therefore, the ranges in Table 4 provide realistic maximum distances over which the specific effects from the use of the AN/SQQ–32 high frequency sonar, the only acoustic source to be used in the proposed activities that requires quantitative analysis, would be possible.

TABLE 4—MAXIMUM RANGE TO TEMPORARY THRESHOLD SHIFT AND BEHAVIORAL EFFECTS FROM THE AN/SQQ–32 IN THE LOS ANGELES/LONG BEACH STUDY AREA

Hearing group	Range to effects cold season (m)		Range to effects warm season (m)	
	Behavioral	TTS	Behavioral	TTS
Low Frequency Cetacean	2,800	<50	1,900	<50
Mid-Frequency Cetacean	3,550	<50	2,550	<50
High Frequency Cetacean	3,550	95	2,550	195
Phocidae water	3,450	<50	2,500	<50
Otariidae Odobenidae water	3,350	<50	2,200	<50

Avoidance Behavior and Mitigation Measures—When sonar is active, exposure to increased sound pressure levels would likely involve individuals that are moving through the area during foraging trips. Pinnipeds may also be exposed enroute to haul-out sites. As discussed further in Chapter 7 of the application and in Analysis and Negligible Impact Determination below, if exposure were to occur, both pinnipeds and cetaceans could exhibit behavioral changes such as increased swimming speeds, increased surfacing time, or decreased foraging. Most likely, individuals affected by elevated underwater noise would move away from the sound source and be temporarily displaced from the proposed Study Area. Any effects experienced by individual marine mammals are anticipated to be limited to short-term disturbance of normal behavior, temporary displacement or disruption of animals which may occur near the proposed training activities. Therefore, the exposures requested are expected to have no more than a minor effect on individual animals and no adverse effect on the populations of these species.

Results from the quantitative analysis should be regarded as conservative estimates that are strongly influenced by limited marine mammal population data. While the numbers generated from the quantitative analysis provide conservative overestimates of marine mammal exposures, the short duration, limited geographic extent of Civilian Port Defense training activities, and mitigation measures would further limit actual exposures.

Incidental Take Request

The Navy's Draft EA for 2015 West Coast Civilian Port Defense training activities analyzed the following stressors for potential impacts to marine mammals:

- Acoustic (sonar sources, vessel noise, aircraft noise)
- Energy (electromagnetic devices and lasers)
- Physical disturbance and strikes (vessels, in-water devices, seafloor objects)

NMFS and the Navy determined the only stressor that could potentially result in the incidental taking of marine mammals per the definition of MMPA harassment from the Civilian Port Defense activities within the Study Area is from acoustic transmissions related to high-frequency sonar.

The methods of incidental take associated with the acoustic transmissions from the proposed Civilian Port Defense are described within Chapter 2 of the application. Acoustic transmissions have the potential to temporarily disturb or displace marine mammals. Specifically, only underwater active transmissions may result in the ''take'' in the form of Level B harassment.

Level A harassment and mortality are not anticipated to result from any of the proposed Civilian Port Defense activities. Furthermore, Navy mitigation and monitoring measures will be implemented to further minimize the potential for Level B takes of marine mammals.

A detailed analysis of effects due to marine mammal exposures to non-impulsive sources (*i.e.,* active sonar) in the Study Area is presented in Chapter 6 of the application and in the Estimated Take by Incidental Harassment section of this proposed IHA. Based on the quantitative acoustic modeling and analysis described in Chapter 6 of the application, Table 5 summarizes the Navy's final take request the Civilian Port Defense training activities from October through November 2015.

TABLE 5—TOTAL NUMBER OF EXPOSURES MODELED AND REQUESTED PER SPECIES FOR CIVILIAN PORT DEFENSE TRAINING ACTIVITIES

Common name	Level B takes requested	Percentage of stock taken (%)
Long-beaked common dolphin	8	0.007
Short-beaked common dolphin	727	0.177
Risso's dolphin	21	0.330
Pacific white-sided dolphin	40	0.149
Bottlenose dolphin coastal	48	14.985
Harbor seal	8	0.026
California sea lion	46	0.015
Total	898	

Analysis and Negligible Impact Determination

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes, alone, is not enough information on which to base an impact determination, as the severity of harassment may vary greatly depending on the context and duration of the behavioral response, many of which would not be expected to have deleterious impacts on the fitness of any individuals. In determining whether the expected takes will have a negligible impact, in addition to considering estimates of the number of marine mammals that might be ''taken'', NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature (*e.g.,* severity) of estimated Level A harassment takes, the number of estimated mortalities, and the status of the species.

To avoid repetition, we provide some general analysis immediately below that applies to all the species listed in Table 5, given that some of the anticipated effects (or lack thereof) of the Navy's training activities on marine mammals are expected to be relatively similar in nature. However, below that, we break our analysis into species to provide more specific information related to the anticipated effects on individuals or where there is information about the status or structure of any species that would lead to a differing assessment of the effects on the population.

Behavioral Harassment

As discussed previously in this document, marine mammals can respond to MFAS/HFAS in many different ways, a subset of which qualifies as harassment (see Behavioral Harassment). One thing that the Level B harassment take estimates do not take into account is the fact that most marine mammals will likely avoid strong sound sources to one extent or another. Although an animal that avoids the sound source will likely still be taken in some instances (such as if the avoidance results in a missed opportunity to feed, interruption of reproductive behaviors, etc.), in other cases avoidance may result in fewer instances of take than were estimated or in the takes resulting from exposure to a lower received level than was estimated, which could result in a less severe response. An animal's exposure to a higher received level is more likely to result in a behavioral response that is more likely to adversely affect the health of the animal.

Specifically, given a range of behavioral responses that may be classified as Level B harassment, to the degree that higher received levels are expected to result in more severe behavioral responses, only a small percentage of the anticipated Level B harassment from Navy activities might necessarily be expected to potentially result in more severe responses, especially when the distance from the source at which the levels below are received is considered. Marine mammals are able to discern the distance of a given sound source, and given other equal factors (including received level), they have been reported to respond more to sounds that are closer (DeRuiter *et al.,* 2013). Further, the estimated number of responses do not reflect either the duration or context of those anticipated responses, some of which will be of very short duration, and other factors should be considered

when predicting how the estimated takes may affect individual fitness.

Although the Navy has been monitoring the effects of MFAS/HFAS on marine mammals since 2006, and research on the effects of active sonar is advancing, our understanding of exactly how marine mammals in the Study Area will respond to MFAS/HFAS is still growing. The Navy has submitted reports from more than 60 major exercises across Navy range complexes that indicate no behavioral disturbance was observed. One cannot conclude from these results that marine mammals were not harassed from MFAS/HFAS, as a portion of animals within the area of concern were not seen, the full series of behaviors that would more accurately show an important change is not typically seen (*i.e.,* only the surface behaviors are observed), and some of the non-biologist watchstanders might not be well-qualified to characterize behaviors. However, one can say that the animals that were observed did not respond in any of the obviously more severe ways, such as panic, aggression, or anti-predator response.

Diel Cycle

As noted previously, many animals perform vital functions, such as feeding, resting, traveling, and socializing on a diel cycle (24-hour cycle). Behavioral reactions to noise exposure (when taking place in a biologically important context, such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multiple-day substantive behavioral reactions and multiple-day anthropogenic activities. For example, just because at-sea exercises last for multiple days does not necessarily mean that individual animals are either exposed to those exercises for multiple days or, further, exposed in a manner resulting in a sustained multiple day substantive behavioral response. Additionally, the Navy does not necessarily operate active sonar the entire time during an exercise. While it is certainly possible that these sorts of exercises could overlap with individual marine mammals multiple days in a row at levels above those anticipated to result in a take, because of the factors mentioned above, it is considered not to be likely for the majority of takes, does not mean that a behavioral response is necessarily sustained for multiple days, and still necessitates the consideration of likely duration and context to assess any effects on the individual's fitness.

TTS

As mentioned previously, TTS can last from a few minutes to days, be of varying degree, and occur across various frequency bandwidths, all of which determine the severity of the impacts on the affected individual, which can range from minor to more severe. The TTS sustained by an animal is primarily classified by three characteristics:

1. Frequency—Available data (of mid-frequency hearing specialists exposed to mid- or high-frequency sounds; Southall *et al.,* 2007) suggest that most TTS occurs in the frequency range of the source up to one octave higher than the source (with the maximum TTS at ½ octave above). The more powerful MF sources used have center frequencies between 3.5 and 8 kHz and the other unidentified MF sources are, by definition, less than 10 kHz, which suggests that TTS induced by any of these MF sources would be in a frequency band somewhere between approximately 2 and 20 kHz. There are fewer hours of HF source use and the sounds would attenuate more quickly, plus they have lower source levels, but if an animal were to incur TTS from these sources, it would cover a higher frequency range (sources are between 20 and 100 kHz, which means that TTS could range up to 200 kHz; however, HF systems are typically used less frequently and for shorter time periods than surface ship and aircraft MF systems, so TTS from these sources is even less likely).

2. Degree of the shift (*i.e.,* by how many dB the sensitivity of the hearing is reduced)—Generally, both the degree of TTS and the duration of TTS will be greater if the marine mammal is exposed to a higher level of energy (which would occur when the peak dB level is higher or the duration is longer). The threshold for the onset of TTS was discussed previously in this document. An animal would have to approach closer to the source or remain in the vicinity of the sound source appreciably longer to increase the received SEL, which would be difficult considering the Lookouts and the nominal speed of an active sonar vessel (10–15 knots). In the TTS studies, some using exposures of almost an hour in duration or up to 217 SEL, most of the TTS induced was 15 dB or less, though Finneran *et al.* (2007) induced 43 dB of TTS with a 64-second exposure to a 20 kHz source. However, MFAS emits a nominal ping every 50 seconds, and incurring those levels of TTS is highly unlikely.

3. Duration of TTS (recovery time)—In the TTS laboratory studies, some using exposures of almost an hour in duration or up to 217 SEL, almost all individuals recovered within 1 day (or less, often in minutes), although in one study (Finneran *et al.,* 2007), recovery took 4 days.

Based on the range of degree and duration of TTS reportedly induced by exposures to non-pulse sounds of energy higher than that to which free-swimming marine mammals in the field are likely to be exposed during MFAS/HFAS training exercises in the Study Area, it is unlikely that marine mammals would ever sustain a TTS from active sonar that alters their sensitivity by more than 20 dB for more than a few days (and any incident of TTS would likely be far less severe due to the short duration of the majority of the exercises and the speed of a typical vessel). Also, for the same reasons discussed in the Diel Cycle section, and because of the short distance within which animals would need to approach the sound source, it is unlikely that animals would be exposed to the levels necessary to induce TTS in subsequent time periods such that their recovery is impeded. Additionally, though the frequency range of TTS that marine mammals might sustain would overlap with some of the frequency ranges of their vocalization types, the frequency range of TTS from MFAS/HFAS (the source from which TTS would most likely be sustained because the higher source level and slower attenuation make it more likely that an animal would be exposed to a higher received level) would not usually span the entire frequency range of one vocalization type, much less span all types of vocalizations or other critical auditory cues. If impaired, marine mammals would typically be aware of their impairment and are sometimes able to implement behaviors to compensate (see Acoustic Masking or Communication Impairment section), though these compensations may incur energetic costs.

Acoustic Masking or Communication Impairment

Masking only occurs during the time of the signal (and potential secondary arrivals of indirect rays), versus TTS, which continues beyond the duration of the signal. Standard MFAS/HFAS nominally pings every 50 seconds for hull-mounted sources. For the sources for which we know the pulse length, most are significantly shorter than hull-

mounted active sonar, on the order of several microseconds to tens of microseconds. For hull-mounted active sonar, though some of the vocalizations that marine mammals make are less than one second long, there is only a 1 in 50 chance that they would occur exactly when the ping was received, and when vocalizations are longer than one second, only parts of them are masked. Alternately, when the pulses are only several microseconds long, the majority of most animals' vocalizations would not be masked. Masking effects from MFAS/HFAS are expected to be minimal. If masking or communication impairment were to occur briefly, it would be in the frequency range of MFAS/HFAS, which overlaps with some marine mammal vocalizations; however, it would likely not mask the entirety of any particular vocalization, communication series, or other critical auditory cue, because the signal length, frequency, and duty cycle of the MFAS/HFAS signal does not perfectly mimic the characteristics of any marine mammal's vocalizations.

Important Marine Mammal Habitat

No critical habitat for marine mammals species protected under the ESA has been designated in the Study Area. There are also no known specific breeding or calving areas for marine mammals within the Study Area.

Species-Specific Analysis

Long-beaked Common Dolphin—Long-beaked common dolphins that may be found in the Study Area belong to the California stock (Carretta *et al.,* 2014). The Navy's acoustic analysis (quantitative modeling) predicts that 8 instances of Level B harassment of long-beaked common dolphin may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of behavioral reactions (3) and TTS (5) and no injurious takes of long-beaked common dolphin are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, less than 0.01 percent of the California stock of long-beaked common dolphin would be behaviorally harassed during proposed training activities.

Behavioral reactions of marine mammals to sound are known to occur but are difficult to predict. Recent behavioral studies indicate that reactions to sounds, if any, are highly contextual and vary between species and individuals within a species (Moretti *et al.,* 2010; Southall *et al.,* 2011; Thompson *et al.,* 2010; Tyack, 2009; Tyack *et al.,* 2011). Behavioral responses can range from alerting, to changing their behavior or vocalizations, to avoiding the sound source by swimming away or diving (Richardson, 1995; Nowacek, 2007; Southall *et al.,* 2007; Finneran and Jenkins, 2012). Long-beaked common dolphins generally travel in large pods and should be visible from a distance in order to implement mitigation measures and reduce potential impacts. Many of the recorded long-beaked common dolphin vocalizations overlap with the MFAS/HFAS TTS frequency range (2–20 kHz) (Moore and Ridgway, 1995; Ketten, 1998); however, NMFS does not anticipate TTS of a serious degree or extended duration to occur as a result of exposure to MFAS/HFAS. Recovery from a threshold shift (TTS) can take a few minutes to a few days, depending on the exposure duration, sound exposure level, and the magnitude of the initial shift, with larger threshold shifts and longer exposure durations requiring longer recovery times (Finneran *et al.,* 2005; Mooney *et al.,* 2009a; Mooney *et al.,* 2009b; Finneran and Schlundt, 2010). Large threshold shifts are not anticipated for these activities because of the unlikelihood that animals will remain within the ensonified area at high levels for the duration necessary to induce larger threshold shifts. Threshold shifts do not necessarily affect all hearing frequencies equally, so some threshold shifts may not interfere with an animal's hearing of biologically relevant sounds.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in long-beaked common dolphins are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for long-beaked common dolphin. No evidence suggests any major reproductive differences in comparison to short-beaked common dolphins (Reeves *et al.,* 2002). Short-beaked common dolphin gestation is approximately 11 to 11.5 months in duration (Danil, 2004; Murphy and Rogan, 2006) with most calves born from May to September (Murphy and Rogan, 2006). Therefore, calving would not occur during the Civilian Port Defense training timeframe. The California stock of long-beaked common dolphin is not depleted under the MMPA. Although there is no formal statistical trend analysis, over the last 30 years sighting and stranding data shows an increasing trend of long-beaked common dolphins in California waters (Carretta *et al.,* 2014). Consequently, the activities are not expected to adversely impact annual rates of recruitment or survival of long-beaked common dolphin.

Short-beaked Common Dolphin—Short-beaked common dolphins that may be found in the Study Area belong to the California/Washington/Oregon stock (Carretta *et al.,* 2014). The Navy's acoustic analysis (quantitative modeling) predicts that 727 instances of Level B harassment of short-beaked common dolphin may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of behavioral reactions (422) and TTS (305) and no injurious takes of short-beaked common dolphin are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, less than 0.18 percent of the California/Washington/Oregon stock of short-beaked common dolphin would be behaviorally harassed during proposed training activities.

Behavioral reactions of marine mammals to sound are known to occur but are difficult to predict. Recent behavioral studies indicate that reactions to sounds, if any, are highly contextual and vary between species and individuals within a species (Moretti *et al.,* 2010; Southall *et al.,* 2011; Thompson *et al.,* 2010; Tyack, 2009; Tyack *et al.,* 2011). Behavioral responses can range from alerting, to changing their behavior or vocalizations, to avoiding the sound source by swimming away or diving (Richardson, 1995; Nowacek, 2007; Southall *et al.,* 2007; Finneran and Jenkins, 2012). Short-beaked common dolphins generally travel in large pods and should be visible from a distance in order to implement mitigation measures and reduce potential impacts. Many of the recorded short-beaked common dolphin vocalizations overlap with the MFAS/HFAS TTS frequency range (2–20 kHz) (Moore and Ridgway, 1995;

Ketten, 1998); however, NMFS does not anticipate TTS of a serious degree or extended duration to occur as a result of exposure to MFAS/HFAS. Recovery from a threshold shift (TTS) can take a few minutes to a few days, depending on the exposure duration, sound exposure level, and the magnitude of the initial shift, with larger threshold shifts and longer exposure durations requiring longer recovery times (Finneran *et al.,* 2005; Mooney *et al.,* 2009a; Mooney *et al.,* 2009b; Finneran and Schlundt, 2010). Large threshold shifts are not anticipated for these activities because of the unlikelihood that animals will remain within the ensonified area at high levels for the duration necessary to induce larger threshold shifts. Threshold shifts do not necessarily affect all hearing frequencies equally, so some threshold shifts may not interfere with an animal's hearing of biologically relevant sounds.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in short-beaked common dolphins are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for long-beaked common dolphin. Short-beaked common dolphin gestation is approximately 11 to 11.5 months in duration (Danil, 2004; Murphy and Rogan, 2006) with most calves born from May to September (Murphy and Rogan, 2006). Therefore, calving would not occur during the Civilian Port Defense training timeframe. The California/Washington/Oregon stock of short-beaked common dolphin is not depleted under the MMPA. Abundance off California has increased dramatically since the late 1970s, along with a smaller decrease in abundance in the eastern tropical Pacific, suggesting a large-scale northward shift in the distribution of this species in the eastern north Pacific (Forney and Barlow, 1998; Forney *et al.,* 1995). Consequently, the activities are not expected to adversely impact annual rates of recruitment or survival of short-beaked common dolphin.

Risso's Dolphin—Risso's dolphins that may be found in the Study Area belong to the California/Washington/Oregon stock (Carretta *et al.,* 2014). The Navy's acoustic analysis (quantitative modeling) predicts that 21 instances of Level B harassment of Risso's dolphin may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of behavioral reactions (16) and TTS (5) and no injurious takes of Risso's dolphin are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, approximately 0.33 percent of the California/Washington/Oregon stock of Risso's dolphin would be behaviorally harassed during proposed training activities.

Behavioral reactions of marine mammals to sound are known to occur but are difficult to predict. Recent behavioral studies indicate that reactions to sounds, if any, are highly contextual and vary between species and individuals within a species (Moretti *et al.,* 2010; Southall *et al.,* 2011; Thompson *et al.,* 2010; Tyack, 2009; Tyack *et al.,* 2011). Behavioral responses can range from alerting, to changing their behavior or vocalizations, to avoiding the sound source by swimming away or diving (Richardson, 1995; Nowacek, 2007; Southall *et al.,* 2007; Finneran and Jenkins, 2012). Risso's dolphins generally travel in large pods and should be visible from a distance in order to implement mitigation measures and reduce potential impacts. Many of the recorded Risso's dolphin vocalizations overlap with the MFAS/HFAS TTS frequency range (2–20 kHz) (Corkeron and Van Parijs 2001); however, NMFS does not anticipate TTS of a serious degree or extended duration to occur as a result of exposure to MFAS/HFAS. Recovery from a threshold shift (TTS) can take a few minutes to a few days, depending on the exposure duration, sound exposure level, and the magnitude of the initial shift, with larger threshold shifts and longer exposure durations requiring longer recovery times (Finneran *et al.,* 2005; Mooney *et al.,* 2009a; Mooney *et al.,* 2009b; Finneran and Schlundt, 2010). Large threshold shifts are not anticipated for these activities because of the unlikelihood that animals will remain within the ensonified area at high levels for the duration necessary to induce larger threshold shifts. Threshold shifts do not necessarily affect all hearing frequencies equally, so some threshold shifts may not interfere with an animal's hearing of biologically relevant sounds.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in Risso's dolphins are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for Risso's dolphin. The California/Washington/Oregon stock of Risso's dolphin is not depleted under the MMPA. The distribution of Risso's dolphins throughout the region is highly variable, apparently in response to oceanographic changes (Forney and Barlow, 1998). The status of Risso's dolphins off California, Oregon and Washington relative to optimum sustainable population is not known, and there are insufficient data to evaluate potential trends in abundance. However, Civilian Port Defense training activities are not expected to adversely impact annual rates of recruitment or survival of Risso's dolphin for the reasons stated above.

Pacific White-Sided Dolphin—Pacific white-sided dolphins that may be found in the Study Area belong to the California/Washington/Oregon stock (Carretta *et al.,* 2014). The Navy's acoustic analysis (quantitative modeling) predicts that 40 instances of Level B harassment of Pacific white-sided dolphin may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of behavioral reactions (21) and TTS (19) and no injurious takes of Pacific white-sided dolphin are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, less than 0.15 percent of the California/Washington/Oregon stock of Pacific white-sided dolphin would be behaviorally harassed during proposed training activities.

Behavioral reactions of marine mammals to sound are known to occur but are difficult to predict. Recent behavioral studies indicate that reactions to sounds, if any, are highly contextual and vary between species and individuals within a species (Moretti *et al.,* 2010; Southall *et al.,* 2011; Thompson *et al.,* 2010; Tyack, 2009; Tyack *et al.,* 2011). Behavioral responses can range from alerting, to changing their behavior or vocalizations, to avoiding the sound source by swimming away or diving

(Richardson, 1995; Nowacek, 2007; Southall *et al.,* 2007; Finneran and Jenkins, 2012). Pacific white-sided dolphins generally travel in large pods and should be visible from a distance in order to implement mitigation measures and reduce potential impacts. Many of the recorded Pacific white-sided dolphin vocalizations overlap with the MFAS/HFAS TTS frequency range (2–20 kHz); however, NMFS does not anticipate TTS of a serious degree or extended duration to occur as a result of exposure to MFAS/HFAS. Recovery from a threshold shift (TTS) can take a few minutes to a few days, depending on the exposure duration, sound exposure level, and the magnitude of the initial shift, with larger threshold shifts and longer exposure durations requiring longer recovery times (Finneran *et al.,* 2005; Mooney *et al.,* 2009a; Mooney *et al.,* 2009b; Finneran and Schlundt, 2010). Large threshold shifts are not anticipated for these activities because of the unlikelihood that animals will remain within the ensonified area at high levels for the duration necessary to induce larger threshold shifts. Threshold shifts do not necessarily affect all hearing frequencies equally, so some threshold shifts may not interfere with an animal's hearing of biologically relevant sounds.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in Pacific white-sided dolphins are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for long-beaked common dolphin. Pacific white-sided dolphin calves are typically born in the summer months between April and early September (Black, 1994; NOAA, 2012; Reidenberg and Laitman, 2002). This species is predominantly located around the proposed Study Area in the colder winter months when neither mating nor calving is expected, as both occur off the coast of Oregon and Washington outside of the timeframe for the proposed activities (October through November). The California/Washington/Oregon stock of Pacific white-sided dolphin is not depleted under the MMPA. The stock is considered stable, with no indications of any positive or negative trends in abundance (NOAA, 2014). Consequently, the activities are not expected to adversely impact annual rates of recruitment or survival of Pacific white-sided dolphin.

Bottlenose Dolphin—Bottlenose dolphins that may be found in the Study Area belong to the California Coastal stock (Carretta *et al.,* 2014). The Navy's acoustic analysis (quantitative modeling) predicts that 48 instances of Level B harassment of bottlenose dolphin may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of behavioral reactions (29) and TTS (19) and no injurious takes of bottlenose dolphin are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, less than 15 percent of the Coastal stock of bottlenose dolphin would be behaviorally harassed during proposed training activities.

Behavioral reactions of marine mammals to sound are known to occur but are difficult to predict. Recent behavioral studies indicate that reactions to sounds, if any, are highly contextual and vary between species and individuals within a species (Moretti *et al.,* 2010; Southall *et al.,* 2011; Thompson *et al.,* 2010; Tyack, 2009; Tyack *et al.,* 2011). Behavioral responses can range from alerting, to changing their behavior or vocalizations, to avoiding the sound source by swimming away or diving (Richardson, 1995; Nowacek, 2007; Southall *et al.,* 2007; Finneran and Jenkins, 2012). Bottlenose dolphins generally travel in large pods and should be visible from a distance in order to implement mitigation measures and reduce potential impacts. Many of the recorded bottlenose dolphin vocalizations overlap with the MFAS/HFAS TTS frequency range (2–20 kHz); however, NMFS does not anticipate TTS of a serious degree or extended duration to occur as a result of exposure to MFAS/HFAS. Recovery from a threshold shift (TTS) can take a few minutes to a few days, depending on the exposure duration, sound exposure level, and the magnitude of the initial shift, with larger threshold shifts and longer exposure durations requiring longer recovery times (Finneran *et al.,* 2005; Mooney *et al.,* 2009a; Mooney *et al.,* 2009b; Finneran and Schlundt, 2010). Large threshold shifts are not anticipated for these activities because of the unlikelihood that animals will remain within the ensonified area at high levels for the duration necessary to induce larger threshold shifts. Threshold shifts do not necessarily affect all hearing frequencies equally, so some threshold shifts may not interfere with an animal's hearing of biologically relevant sounds.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in bottlenose dolphins are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for bottlenose dolphin. The California/Washington/Oregon stock of bottlenose dolphin is not depleted under the MMPA. In a comparison of abundance estimates from 1987–89 (n = 354), 1996–98 (n = 356), and 2004–05 (n = 323), Dudzik *et al.* (2006) found that the population size has remained stable over this period of approximately 20 years. Consequently, the activities are not expected to adversely impact annual rates of recruitment or survival of bottlenose dolphin.

Harbor Seal—Harbor seals that may be found in the Study Area belong to the California stock (Carretta *et al.,* 2014). Harbor seals have not been observed on the mainland coast of Los Angeles, Orange, and northern San Diego Counties (Henkel and Harvey, 2008; Lowry *et al.,* 2008). Thus, no harbor seal haul-outs are located within the proposed Study Area. The Navy's acoustic analysis (quantitative modeling) predicts that 8 instances of Level B harassment of harbor seal may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of non-TTS behavioral reactions only and no injurious takes of harbor seal are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, less than 0.03 percent of the California stock of harbor seal would be behaviorally harassed during proposed training activities.

Research and observations show that pinnipeds in the water may be tolerant of anthropogenic noise and activity (a review of behavioral reactions by pinnipeds to impulsive and non-impulsive noise can be found in

Richardson *et al.,* 1995 and Southall *et al.,* 2007). Available data, though limited, suggest that exposures between approximately 90 and 140 dB SPL do not appear to induce strong behavioral responses in pinnipeds exposed to nonpulse sounds in water (Jacobs and Terhune, 2002; Costa *et al.,* 2003; Kastelein *et al.,* 2006c). Based on the limited data on pinnipeds in the water exposed to multiple pulses (small explosives, impact pile driving, and seismic sources), exposures in the approximately 150 to 180 dB SPL range generally have limited potential to induce avoidance behavior in pinnipeds (Harris *et al.,* 2001; Blackwell *et al.,* 2004; Miller *et al.,* 2004). If pinnipeds are exposed to sonar or other active acoustic sources they may react in a number of ways depending on their experience with the sound source and what activity they are engaged in at the time of the acoustic exposure. Pinnipeds may not react at all until the sound source is approaching within a few hundred meters and then may alert, ignore the stimulus, change their behaviors, or avoid the immediate area by swimming away or diving. Effects on pinnipeds in the Study Area that are taken by Level B harassment, on the basis of reports in the literature as well as Navy monitoring from past activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring). Most likely, individuals will simply move away from the sound source and be temporarily displaced from those areas, or not respond at all. In areas of repeated and frequent acoustic disturbance, some animals may habituate or learn to tolerate the new baseline or fluctuations in noise level. Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). While some animals may not return to an area, or may begin using an area differently due to training activities, most animals are expected to return to their usual locations and behavior. Given their documented tolerance of anthropogenic sound (Richardson *et al.,* 1995 and Southall *et al.,* 2007), repeated exposures of harbor seals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in harbor seals are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for harbor seal. In California, harbor seals breed from March to May and pupping occurs between April and May (Alden *et al.,* 2002; Reeves *et al.,* 2002), neither of which occur within the timeframe of the proposed activities. The California stock of harbor seal is not depleted under the MMPA. Counts of harbor seals in California increased from 1981 to 2004, although a review of harbor seal dynamics through 1991 concluded that their status could not be determined with certainty (Hanan, 1996). The population appears to be stabilizing at what may be its carrying capacity. Consequently, the activities are not expected to adversely impact annual rates of recruitment or survival of harbor seal.

California Sea Lion—California sea lions that may be found in the Study Area belong to the U.S. stock (Carretta *et al.,* 2014). The Navy's acoustic analysis (quantitative modeling) predicts that 46 instances of Level B harassment of California sea lion may occur from active sonar in the Study Area during Civilian Port Defense training activities. These Level B takes are anticipated to be in the form of non-TTS behavioral reactions only and no injurious takes of California sea lions are requested or proposed for authorization. Relative to population size, these activities are anticipated to result only in a limited number of level B harassment takes. When the numbers of behavioral takes are compared to the estimated stock abundance (stock abundance estimates are shown in Table 1) and if one assumes that each take happens to a separate animal, less than 0.02 percent of the U.S. stock of California sea lions would be behaviorally harassed during proposed training activities.

Research and observations show that pinnipeds in the water may be tolerant of anthropogenic noise and activity (a review of behavioral reactions by pinnipeds to impulsive and non-impulsive noise can be found in Richardson *et al.,* 1995 and Southall *et al.,* 2007). Available data, though limited, suggest that exposures between approximately 90 and 140 dB SPL do not appear to induce strong behavioral responses in pinnipeds exposed to nonpulse sounds in water (Jacobs and Terhune, 2002; Costa *et al.,* 2003; Kastelein *et al.,* 2006c). Based on the limited data on pinnipeds in the water exposed to multiple pulses (small explosives, impact pile driving, and seismic sources), exposures in the approximately 150 to 180 dB SPL range generally have limited potential to induce avoidance behavior in pinnipeds (Harris *et al.,* 2001; Blackwell *et al.,* 2004; Miller *et al.,* 2004). If pinnipeds are exposed to sonar or other active acoustic sources they may react in a number of ways depending on their experience with the sound source and what activity they are engaged in at the time of the acoustic exposure. Pinnipeds may not react at all until the sound source is approaching within a few hundred meters and then may alert, ignore the stimulus, change their behaviors, or avoid the immediate area by swimming away or diving. Effects on pinnipeds in the Study Area that are taken by Level B harassment, on the basis of reports in the literature as well as Navy monitoring from past activities will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring). Most likely, individuals will simply move away from the sound source and be temporarily displaced from those areas, or not respond at all. In areas of repeated and frequent acoustic disturbance, some animals may habituate or learn to tolerate the new baseline or fluctuations in noise level. Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). While some animals may not return to an area, or may begin using an area differently due to training activities, most animals are expected to return to their usual locations and behavior. Given their documented tolerance of anthropogenic sound (Richardson *et al.,* 1995 and Southall *et al.,* 2007), repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior.

Overall, the number of predicted behavioral reactions is low and temporary behavioral reactions in California sea lions are unlikely to cause long-term consequences for individual animals or the population. The Civilian Port Defense activities are not expected to occur in an area/time of specific importance for reproductive, feeding, or other known critical behaviors for California sea lions. It is likely that male California sea lions will be primarily outside of the Study Area during the timeframe of the proposed activities, but females may be present. Typically

during the summer, California sea lions congregate near rookery islands and specific open-water areas. The primary rookeries off the coast of California are on San Nicolas, San Miguel, Santa Barbara, and San Clemente Islands (Boeuf and Bonnell, 1980; Carretta *et al.,* 2000; Lowry *et al.,* 1992; Lowry and Forney, 2005). In May or June, female sea lions give birth, either on land or in water. Adult males establish breeding territories, both on land and in water, from May to July. In addition to the rookery sites, Santa Catalina Island is a major haul-out site within the Southern California Bight (Boeuf, 2002). Thus, breeding and pupping take place outside of the timeframe and location of the proposed training activities. The U.S. stock of California sea lions is not depleted under the MMPA. A regression of the natural logarithm of the pup counts against year indicates that the counts of pups increased at an annual rate of 5.4 percent between 1975 and 2008 (when pup counts for El Niño years were removed from the 1975–2005 time series). These records of pup counts from 1975 to 2008 were compiled from Lowry and Maravilla-Chavez (2005) and unpublished NMFS data. Consequently, the activities are not expected to adversely impact annual rates of recruitment or survival of California sea lion.

Preliminary Determination

Overall, the conclusions and predicted exposures in this analysis find that overall impacts on marine mammal species and stocks would be negligible for the following reasons:

- All estimated acoustic harassments for the proposed Civilian Port Defense training activities are within the non-injurious temporary threshold shift (TTS) or behavioral effects zones (Level B harassment), and these harassments (take numbers) represent only a small percentage (less than 15 percent of bottlenose dolphin coastal stock; less than 0.5 percent for all other species) of the respective stock abundance for each species taken.
- Marine mammal densities inputted into the model are also overly conservative, particularly when considering species where data is limited in portions of the proposed study area and seasonal migrations extend throughout the Study Area.
- The protective measures described in Proposed Mitigation are designed to reduce sound exposure on marine mammals to levels below those that may cause physiological effects (injury).
- Animals exposed to acoustics from this two week event are habituated to a bustling industrial port environment.

This proposed IHA assumes that short-term non-injurious SELs predicted to cause onset-TTS or predicted SPLs predicted to cause temporary behavioral disruptions (non-TTS) qualify as Level B harassment. This approach predominately overestimates disturbances from acoustic transmissions as qualifying as harassment under MMPA's definition for military readiness activities because there is no established scientific correlation between short term sonar use and long term abandonment or significant alteration of behavioral patterns in marine mammals.

Consideration of negligible impact is required for NMFS to authorize incidental take of marine mammals. By definition, an activity has a ''negligible impact'' on a species or stock when it is determined that the total taking is not likely to reduce annual rates of adult survival or recruitment (*i.e.,* offspring survival, birth rates).

Behavioral reactions of marine mammals to sound are known to occur but are difficult to predict. Recent behavioral studies indicate that reactions to sounds, if any, are highly contextual and vary between species and individuals within a species (Moretti *et al.,* 2010; Southall *et al.,* 2011; Thompson *et al.,* 2010; Tyack, 2009; Tyack *et al.,* 2011). Depending on the context, marine mammals often change their activity when exposed to disruptive levels of sound. When sound becomes potentially disruptive, cetaceans at rest become active, feeding or socializing cetaceans or pinnipeds often interrupt these events by diving or swimming away. If the sound disturbance occurs around a haul out site, pinnipeds may move back and forth between water and land or eventually abandon the haul out. When attempting to understand behavioral disruption by anthropogenic sound, a key question to ask is whether the exposures have biologically significant consequences for the individual or population (National Research Council of the National Academies, 2005).

If a marine mammal does react to an underwater sound by changing its behavior or moving a small distance, the impacts of the change may not be detrimental to the individual. For example, researchers have found during a study focusing on dolphins response to whale watching vessels in New Zealand, that when animals can cope with constraint and easily feed or move elsewhere, there's little effect on survival (Lusseau and Bejder, 2007). On the other hand, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period and they do not have an alternate equally desirable area, impacts on the marine mammal could be negative because the disruption has biological consequences. Biological parameters or key elements having greatest importance to a marine mammal relate to its ability to mature, reproduce, and survive. For example, some elements that should be considered include the following:

- Growth: Adverse effects on ability to feed;
- Reproduction: The range at which reproductive displays can be heard and the quality of mating/calving grounds; and
- Survival: Sound exposure may directly affect survival, for example where sources of a certain type are deployed in a a manner that could lead to a stranding response.

The importance of the disruption and degree of consequence for individual marine mammals often has much to do with the frequency, intensity, and duration of the disturbance. Isolated acoustic disturbances such as acoustic transmissions usually have minimal consequences or no lasting effects for marine mammals. Marine mammals regularly cope with occasional disruption of their activities by predators, adverse weather, and other natural phenomena. It is also reasonable to assume that they can tolerate occasional or brief disturbances by anthropogenic sound without significant consequences.

The exposure estimates calculated by predictive models currently available reliably predict propagation of sound and received levels and measure a short-term, immediate response of an individual using applicable criteria. Consequences to populations are much more difficult to predict and empirical measurement of population effects from anthropogenic stressors is limited (National Research Council of the National Academies, 2005). To predict indirect, long-term, and cumulative effects, the processes must be well understood and the underlying data available for models. Based on each species' life history information, expected behavioral patterns in the Study Area, all of the modeled exposures resulting in temporary behavioral disturbance (Table 5), and the application of mitigation procedures proposed above, the proposed Civilian Port Defense activities are anticipated to have a negligible impact on marine mammal stocks within the Study Area.

NMFS concludes that Civilian Port Defense training activities within the Study Area would result in Level B takes only, as summarized in Table 5.

The effects of these military readiness activities will be limited to short-term, localized changes in behavior and possible temporary threshold shift in the hearing of marine mammal species. These effects are not likely to have a significant or long-term impact on feeding, breeding, or other important biological functions. No take by injury or mortality is anticipated, and the potential for permanent hearing impairment is unlikely. Based on best available science NMFS concludes that exposures to marine mammal species and stocks due to the proposed training activities would result in only short-term effects from those Level B takes to most individuals exposed and would likely not affect annual rates of recruitment or survival.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat and dependent upon the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that the total taking from Civilian Port Defense training activities in the Study Area will have a negligible impact on the affected species or stocks.

Subsistence Harvest of Marine Mammals

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

NEPA

The Navy is preparing an EA in accordance with the National Environmental Policy Act (NEPA), to evaluate all components of the proposed Civilian Port Defense training activities. NMFS intends to adopt the Navy's EA, if adequate and appropriate. Currently, we believe that the adoption of the Navy's EA will allow NMFS to meet its responsibilities under NEPA for the issuance of an IHA to the Navy for Civilian Port Defense activities at the Ports of Los Angeles and Long Beach Harbor. If necessary, however, NMFS will supplement the existing analysis to ensure that we comply with NEPA prior to the issuance of the final IHA.

ESA

No species listed under the Endangered Species Act (ESA) are expected to be affected by the proposed Civilian Port Defense training activities and no takes of any ESA-listed species are requested or proposed for authorization under the MMPA. Therefore, NMFS has determined that a formal section 7 consultation under the ESA is not required.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the Navy for conducting Civilian Port Defense activities from October to November 2015 on the U.S. west coast near Los Angeles/Long Beach, California, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

The Commander, U.S. Pacific Fleet, 250 Makalapa Drive, Pearl Harbor, Hawaii 96860, and persons operating under his authority (*i.e.,* Navy), is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to harass marine mammals incidental to Civilian Port Defense training activities proposed to be conducted near the Ports of Los Angeles and Long Beach from October to November 2015.

1. This Authorization is valid from October 25, 2015 through November 25, 2015.

2. This Authorization is valid for the incidental taking of a specified number of marine mammals, incidental to Civilian Port Defense training activities proposed to be conducted near the Ports of Los Angeles and Long Beach from October to November 2015, as described in the Incidental Harassment Authorization (IHA) application.

3. The holder of this authorization (Holder) is hereby authorized to take, by Level B harassment only, 8 long-beaked common dolphins (*Delphinus capensis*), 727 short-beaked common dolphins (*Delphinus delphis*), 21 Risso's dolphins (*Grampus griseus*), 40 Pacific white-sided dolphins (*Lagenorhynchus obilquidens*), 48 bottlenose dolphins (*Tursiops truncates*), 8 harbor seals (*Phoca vitulina*), and 46 California sea lions (*Zalophus californianus*) incidental to Civilian Port Defense training activities proposed to be conducted near the Ports of Los Angeles and Long Beach, California.

4. The taking of any marine mammal in a manner prohibited under this IHA must be reported immediately to NMFS' Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; phone 301–427–8401; fax 301–713–0376.

5. Mitigation Requirements

The Holder is required to abide by the following mitigation conditions listed in 5(a)–(b). Failure to comply with these conditions may result in the modification, suspension, or revocation of this IHA.

(a) Lookouts

The following are protective measures concerning the use of Lookouts:

Procedural Measures—The Navy will have two types of lookouts for the purposes of conducting visual observations: (1) Those positioned on surface ships, and (2) those positioned in aircraft or on boats. Lookouts positioned on surface ships will be dedicated solely to diligent observation of the air and surface of the water. Their observation objectives will include, but are not limited to, detecting the presence of biological resources and recreational or fishing boats, observing mitigation zones, and monitoring for vessel and personnel safety concerns. Lookouts positioned in aircraft or on boats will, to the maximum extent practicable and consistent with aircraft and boat safety and training requirements, comply with the observation objectives described above for Lookouts positioned on surface ships.

Active Sonar—The Navy will have one Lookout on ships or aircraft conducting high-frequency active sonar activities associated with mine warfare activities at sea.

Vessels—While underway, vessels will have a minimum of one Lookout.

Towed In-Water Devices—The Navy will have one Lookout during activities using towed in-water devices when towed from a manned platform.

(b) *Mitigation Zones*—The following are protective measures concerning the implementation of mitigation zones:

Active Sonar—Mitigation will include visual observation from a vessel or aircraft (with the exception of platforms operating at high altitudes) immediately before and during active transmission within a mitigation zone of 200 yards (yds. [183 m]) from the active sonar source. If the source can be turned off during the activity, active transmission will cease if a marine mammal is sighted within the mitigation zone. Active transmission will recommence if any one of the following conditions is met: (1) the animal is observed exiting the mitigation zone, (2) the animal is thought to have exited the mitigation zone based on a determination of its course and speed and the relative motion between the animal and the source, (3) the mitigation zone has been clear from any additional sightings for a

period of 10 minutes for an aircraft-deployed source, (4) the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a vessel-deployed source, (5) the vessel or aircraft has repositioned itself more than 400 yds (366 m) away from the location of the last sighting, or (6) the vessel concludes that dolphins are deliberately closing in to ride the vessel's bow wave (and there are no other marine mammal sightings within the mitigation zone).

Vessels—Vessels will avoid approaching marine mammals head on and will maneuver to maintain a mitigation zone of 500 yds (457 m) around observed whales, and 200 yds (183 m) around all other marine mammals (except bow riding dolphins), providing it is safe to do so.

Towed In-Water Devices—The Navy will ensure that towed in-water devices being towed from manned platforms avoid coming within a mitigation zone of 250 yds (229 m) around any observed marine mammal, providing it is safe to do so.

6. Monitoring and Reporting Requirements

The Holder is required to abide by the following monitoring and reporting conditions. Failure to comply with these conditions may result in the modification, suspension, or revocation of this IHA.

General Notification of Injured or Dead Marine Mammals—If any injury or death of a marine mammal is observed during the Civilian Port Defense training activity, the Navy will immediately halt the activity and report the incident to NMFS following the standard monitoring and reporting measures consistent with the MITT EIS/OEIS. The reporting measures include the following procedures:

Navy personnel shall ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as clearance procedures allow) if an injured or dead marine mammal is found during or shortly after, and in the vicinity of, any Navy training activity utilizing high-frequency active sonar. The Navy shall provide NMFS with species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available). The Navy shall consult the Stranding Response and Communication Plan to obtain more specific reporting requirements for specific circumstances.

Vessel Strike—Vessel strike during Navy Civilian Port Defense activities in the Study Area is not anticipated; however, in the event that a Navy vessel strikes a whale, the Navy shall do the following:

Immediately report to NMFS (pursuant to the established Communication Protocol) the:

- Species identification (if known);
- Location (latitude/longitude) of the animal (or location of the strike if the animal has disappeared);
- Whether the animal is alive or dead (or unknown); and
- The time of the strike.

As soon as feasible, the Navy shall report to or provide to NMFS, the:

- Size, length, and description (critical if species is not known) of animal;
- An estimate of the injury status (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared, etc.);
- Description of the behavior of the whale during event, immediately after the strike, and following the strike (until the report is made or the animal is no longer sighted);
- Vessel class/type and operational status;
- Vessel length;
- Vessel speed and heading; and
- To the best extent possible, obtain a photo or video of the struck animal, if the animal is still in view.

Within 2 weeks of the strike, provide NMFS:

- A detailed description of the specific actions of the vessel in the 30-minute timeframe immediately preceding the strike, during the event, and immediately after the strike (*e.g.,* the speed and changes in speed, the direction and changes in direction, other maneuvers, sonar use, etc., if not classified);
- A narrative description of marine mammal sightings during the event and immediately after, and any information as to sightings prior to the strike, if available; and use established Navy shipboard procedures to make a camera available to attempt to capture photographs following a ship strike.

NMFS and the Navy will coordinate to determine the services the Navy may provide to assist NMFS with the investigation of the strike. The response and support activities to be provided by the Navy are dependent on resource availability, must be consistent with military security, and must be logistically feasible without compromising Navy personnel safety. Assistance requested and provided may vary based on distance of strike from shore, the nature of the vessel that hit the whale, available nearby Navy resources, operational and installation commitments, or other factors.

7. A copy of this Authorization must be in the possession of the on-site Commanding Officer in order to take marine mammals under the authority of this Incidental Harassment Authorization while conducting the specified activities.

8. This Authorization may be modified, suspended, or withdrawn if the Holder or any person operating under his authority fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

Request for Public Comments

NMFS requests comment on our analysis, the draft authorization, and any other aspect of the Notice of Proposed IHA for the Navy's Civilian Port Defense training activities. Please include with your comments any supporting data or literature citations to help inform our final decision on the Navy's request for an MMPA authorization.

Dated: August 31, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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